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ABSTRACT

The resource guide on developing and/or refining extended school year (ESY) services is intended for local educational agencies in the State of Washington. Part I of the guide describes legal and educational issues, district policy development, eligibility factors, and includes one district's ESY data collection system. Section I presents a brief overview of the current legal requirements that must be considered, reviews major litigation and Office for Civil Rights requirements. Also included are a statement on state and district responsibilities and a discussion of ESY eligibility considerations. Section II offers information on ESY policy considerations and staff responsibilities for developing and implementing ESY services including the function of the multidisciplinary team in the ESY decision making process. Section III provides a comprehensive review of one model for determining ESY service eligibility. Policies and procedures developed by the Highline School District to determine ESY service eligibility are outlined including planning, training, and implementation sequences. A sample action plan details steps for implementing an ESY service eligibility model. The final section includes a reference list and appended material including legislative bases and ESY Data Collection Forms. (DB)

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The Extended School Year Resource Guide: Part I

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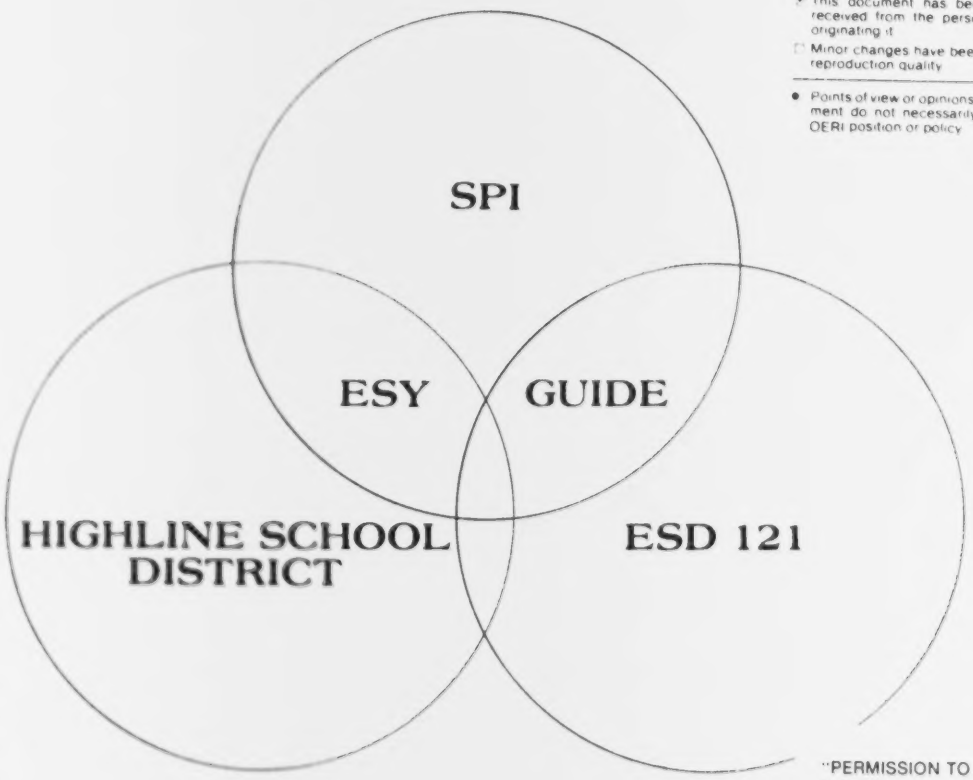

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Developed by ESD 121 in cooperation with SPI and Highline School District

August 1984

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Educational Service District No. 121

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Dr. Doyle E. Winter
Superintendent

In response to national, state and local concerns regarding extended school year (ESY) services for handicapped students, Educational Service District #121 in cooperation with Highline School District Special Education Staff has developed an ESY resource guide for local educational agencies in the State of Washington. This effort was made possible through a grant funded by the Division of Special Services, Superintendent of Public Instruction.

The Extended School Year Resource Guide: Part I describes legal and educational issues, district policy development, eligibility factors and includes one district's ESY data collection system. Part II will focus on selection criteria, service delivery options and exit criteria and will be available in fall of 1984.

The statewide dissemination of ESY information and possible implementation procedures is designed to assist local education agencies in developing ESY special education services. Comments pertaining to information, format, and utility of the guide are encouraged. We would appreciate your taking time to complete the enclosed ESY guide evaluation form. This information will assist in future development of ESY training activities and materials.

If you have any questions pertaining to this guide, please call ESD #121 Special Services Department at (206) 242-9400.

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PREFACE

Students with handicapping conditions are guaranteed the right to a free and appropriate public education (FAPE) including special education and related services provided within their individualized education program. Consideration of FAPE for an individual handicapped child may require educational programming beyond the traditional 180-day school year. Although this is not a new requirement, it has been a source of conflict in school districts across the country. As required in a recent Office for Civil Rights agreement, the Superintendent of Public Instruction has made changes in Washington Administration Code to clarify the need to consider extended school year services for each handicapped child.

Although the Courts are in substantial agreement regarding this requirement, many questions remain as school districts begin to operationalize this responsibility. The Superintendent of Public Instruction supports the efforts of Educational Service District 121 in the development of this resource guide. This document can provide assistance to school districts in the review and revision of district policies and procedures regarding consideration of extended school year within assessment and individualized program development. It is essential that the full implementation of FAPE, including extended school year programs and services, be carried out systematically and purposefully throughout the State of Washington. In doing so, quality efforts in behalf of handicapped children can continue to be our mutual goal.

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THE EXTENDED SCHOOL YEAR RESOURCE GUIDE: PART I

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THE EXTENDED SCHOOL YEAR
RESOURCE GUIDE: PART I

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INTRODUCTION

A current issue in special education across the United States is the provision of extended school year services to those identified handicapped students in need of such services. Three Federal Court of Appeals decisions have found the 180-day limit on the length of the school year to be discriminating because such a limit denies access to free and appropriate public education (FAPE) for some handicapped students. As with all special education services, the provision of extended school year services as part of a free and appropriate public education for a particular handicapped student is based on the demonstration of conclusive need.

The purpose of this resource guide is to present information to local educational agencies on developing and/or refining district special education policy and procedures to include consideration of extended school year services and on determining student eligibility. The resource guide is divided into four sections.

Section I presents a brief overview of the current legal requirements that must be considered in developing and/or refining district ESY policy. The section reviews major litigation and Office for Civil Rights requirements which have resulted in the recent emphasis of State ESY policy and includes a statement on state and district responsibilities. The section concludes with a discussion of ESY eligibility considerations.

Section II offers information on ESY policy considerations and staff responsibilities for developing and implementing ESY services including the function of the multidisciplinary team in the ESY decision-making process.

Section III provides a comprehensive review of one model for determining ESY service eligibility. The section also presents the ESY policy and the procedures developed by Highline School District and outlines the process used by Highline to implement a model for determining ESY service eligibility. The process consists of a series of steps including planning, training and implementation sequences. In addition, the section includes an example of an action plan which details steps for implementing an ESY service eligibility model.

The final section of the manual includes a reference list and appended materials.

ACKNOWLEDGMENTS

We would like to acknowledge the fiscal and technical support given by the staff of Dr. Frank B. Brouillet, Superintendent of Public Instruction, in the development of this resource guide. The cooperation of the Division of Special Services has been invaluable in providing assistance in clarifying the extended school year (ESY) issue.

We would also like to acknowledge the Educational Service District (ESD) #121 ESY Task Force which acted in an advisory role in the initial development of materials and procedures. The task force selected a consultant, facilitated development of specific ESY criteria, and provided information to special education directors and staff on ESY issues. Task force members included:

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We would especially like to express our appreciation to the Highline School District Administrative Staff and in particular the Administrative Staff of the Special Education Department for their contributions to Section III of this resource guide. Without their foresight, energy, and commitment, this resource guide would not be available. Key administrative staff include:

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Finally, special recognition goes to the Special Education Instructional Staff of the Highline School District for their support and assistance in developing Section III. These individuals include:

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SECTION I EXTENDED SCHOOL YEAR ISSUES

A. INTRODUCTION TO ESY CONCEPT

B. REVIEW OF LITIGATION

C. REVIEW OF STATE POLICY

D. DISTRICT RESPONSIBILITIES

E. ESY ELIGIBILITY CONSIDERATIONS

EXTENDED SCHOOL YEAR ISSUES

Introduction to Extended School Year Concept

Local education agency responsibilities for providing special education and related services beyond the traditional 180-day school year have recently been clarified in the Washington Administrative Code Chapter 392-171 (WAC 392-171-351,-366,-461,-721, see Appendix A). The current emphasis on ESY services in Washington State resulted from a complaint filed by a Seattle parent in January of 1981, alleging discrimination against certain handicapped students because not all special education students were screened to determine if they required extended school year services. The resolution of the complaint resulted in a Memorandum of Agreement between the Office for Civil Rights, the Superintendant of Public Instruction and the Seattle School District that became effective on June 13, 1984, and requires school districts to assess all handicapped students to determine needs for extended school year programming. This requirement is intended to assure that all handicapped students are provided access to a free and appropriate public education (FAPE) as guaranteed by the Education for All Handicapped Act (P.L. 94-142), and in the amendments to Section 504 of the 1973 Vocational Rehabilitation Act.

Several local school districts throughout the state have offered summer school programs for a number of years. These programs are generally characterized as voluntary, tuition-based and offered at a district's discretion. Summer school programs typically include enrichment activities, remediation programs, vocational activities and/or intervention with high-risk students (Open Door, 1984). However, these programs should not be confused with extended school year services (ESY) which are required to meet the unique needs of special education students, though in many cases summer school and ESY services may be compatible. Extended school year services may include traditional summer school activities; however, ESY services are mandated, are part of a student's individualized educational program (IEP), and must be offered at no cost to parents. (A variety of specific ESY program options will be discussed in Part II of the Extended School Year Resource Guide.).

For those students who require an extended school year program, such an extension must be considered as part of that student's right to free and appropriate public education (FAPE). As such, it is legally required within the format of the student's individualized educational program at no cost to parents. ESY services must include the continued provision of special education and related services when required for a particular student. The consideration for such need must be addressed by the multidisciplinary team at the time of assessment/reassessment and by the IEP committee on an annual basis.

ESY service eligibility is based on individual need as reflected in the goals and objectives of the student's individualized educational program. Though goals and objectives should not be construed as a promise or guarantee that a handicapped student will in fact achieve the growth projected in his/her IEP, such goals and objectives should be written in a manner "reasonably calculated to enable the student to receive educational benefit" (Board of Education of the Hendrick Hudson Central School District v. Rowley, 454 U.S. 961, 102, 3. Ct. 500, 70 L. Ed. 2nd 376 (1982), EHLR 553:656 (1982). When the multidisciplinary team determines through professional judgment, regression-recoupment analysis, LRE considerations, parental request, past history, health-related factors and/or educational benefit analysis that benefit has not been conferred, then the student should be considered for ESY services. Detailed descriptions of these eligibility considerations are provided at the conclusion of this section.

Review of Litigation

The legal bases for ESY are found in the concept of free and appropriate public education (FAPE) as defined in the Education for All Handicapped Act (P.L. 94-142) and non-discrimination found in the amendments to Section 504 of the Vocational Rehabilitation Act of 1973. The Education for All Handicapped Act (P.L. 94-142) defines the concept of free and appropriate public education (special education and related services) within the context of an individualized educational program. Section 504 also states that each handicapped student is entitled to an appropriate education designed to meet individual educational needs.

The legal precedent for considering ESY services was established in 1980 with the Third Circuit Court of Appeals decision in Battle v. Kline, 629. F.2d 269 (3rd Cir. 1980.) 3 EHLR 551:647 (1980) concurring with the District Court decision in Armstrong v. Kline, 476. F.Supp. 583 (ED PA 1979). This class action suit, filed on behalf of Pennsylvania school-aged handicapped students (severely mentally handicapped, seriously behaviorally disordered), requested school programs beyond the traditional 180-day school year. The court ruled that the 180-day limit on the school year was illegal and violated the intent of FAPE under P.L. 94-142. The court went on to rule that no state may have an explicit policy preventing extended school year services. Since Battle v. Kline, two other Circuit Courts of Appeal have ruled in accord with the Third Circuit. In Georgia Association of Retarded Citizens (G.A.R.C) v. McDaniel, 716 F. 2d 1565 (11th Cir. 1983), 3 EHLR 54:251 (1983), the court concluded that the state's policy, although seemingly neutral, in effect prohibited consideration of individual students' needs. Finally, the Eighth Circuit Court in Yaris v. Special School District of St. Louis County, 728 F. 2d 1055 (1984), EHLR 555:394 (1984) found that Missouri State law illegally limited special education to a 180-day school year, and thus violated

both P.L. 94-142 and Section 504. In each of the above cases, the court held that the states had to develop more expansive policies to ensure that all handicapped students had access to free and appropriate public education.

Although litigation to date has dealt primarily with severely handicapped students and the potential harm resulting from an extended summer break in schooling, the Supreme Court, in Rowley, stated that all handicapped students have the right to receive educational benefit. Whenever there is a question regarding whether a particular student has received educational benefit, that student should be a priority for consideration as a candidate for ESY services.

Implications from the above cases as well as others at the district court level have been summarized by Martin (1984):

1. No school district can state categorically that it will not consider year long services for a handicapped student (Battle v. Kline).

2. No school district can refuse to consider ESY services for fiscal reasons (Crawford v. Pittman).

3. Any decision regarding the provision of ESY services must be part of the IEP process (Lee v. Thompson).

4. The decision must be on an individual basis with the nature, duration, and frequency of services personalized to meet the unique needs of the child in question (Lee v. Thompson).

5. All types of handicapped children must be eligible for consideration (Georgia Association for Retarded Citizen v. McDaniel).

6. Services offered must be sufficient so that the school can say that a benefit was conferred (Board of Education v. Rowley).

Though three Circuit Court decisions have mandated extended school year consideration and provision when a particular student is determined to be eligible, the emphasis in Washington State resulted from the previously-mentioned Memorandum of Agreement between the Office for Civil Rights, the Superintendant of Public Instruction and the Seattle School District. This Agreement was the impetus for clarification and modification regarding State ESY policy in the Washington Administrative Code Chapter 392-171.

Review of State Policy

On June 29, 1984, the Superintendent of Public Instruction issued

Bulletin Number 11-84 (see Appendix A) which gives notice to school districts of clarification and modification of the Washington Administrative Code ESY provisions. According to the bulletin, each district is required to:

> 1) immediately review district special education assessment and individualized program development policies and procedures and revise them as necessary to assure that the possible need for programming beyond the regular school year is considered in the case of each handicapped student;
>
> 2) make and document such student by student considerations during the 1984-85 school year; and
>
> 3) implement extended school year programs for handicapped students based on their individual need for such programming no later than the summer of 1985 (pages 1-2).

These requirements are listed in the Memorandum of Agreement (see Appendix A) between the Office for Civil Rights, the Superintendent of Public Instruction, and the Seattle School District. This compliance agreement provides the foundation for clarifying ESY policy in the State of Washington.

State Responsibilities

The State's obligations with respect to the Memorandum of Agreement are as follows:

> 1) OSPI will make the changes to the Washington Administrative Code...and will distribute a notice of such changes to all public school districts in the state as soon as possible thereafter. The notice to districts will make clear that all school districts must take immediate action to implement the clarifications made in the Washington Administrative Code by revising district policies and procedures to the extent necessary to comply with these clarifications, must otherwise initiate reasonable efforts to implement needed policy changes as soon as reasonably possible, and will fully comply with the clarified provisions by August 31, 1984 (Section III, paragraph B, page 2).
>
> 2) OSPI agrees to provide OCR with a copy of the provisions of the Washington Administrative Code modified pursuant to this Agreement and a copy of the notice used to distribute the modified Code. These documents will be provided within one week of the notice being distributed (Section IV, paragraph A, page 4).
>
> 3) OSPI agrees that for a period of two years following the effective date of this Agreement that it will provide OCR with copies

of any technical assistance materials which OSPI may develop related to the consideration of the need for, or the actual provision of, extended school year services by school districts in the State of Washington (Section IV, paragraph B, page 4).

District Responsibilities

A district's responsibilities with respect to the memorandum's requirements are stated in the following paragraph.

> Each Washington State school district will be required by OSPI pursuant to OSPI's performance of its Federal law monitoring and enforcement responsibilities to: (1) immediately review and revise, as needed, district policies to the extent necessary for such policies to coincide with OSPI's clarifications in the Washington Administrative Code; (2) immediately commence planning, and the evaluation and revision of existing procedures, to the extent necessary to implement the clarifications in the Washington Administrative Code as soon as reasonably possible; and (3) provide OSPI written assurance as a condition to 1984-85 school year financial assistance that district assessment and IEP teams will fully comply with the clarifications in the Washington Administrative Code in connection with all individual education plans (IEP's) developed for new handicapped students enrolled after August 31, 1984 and all reviews of existing IEP's conducted subsequent to August 31, 1984 (Section III, paragraph C, pages 2-3).

Detailed information on planning for implementation is included in the next section of this manual.

ESY Eligibility Considerations

Determining eligibility criteria is an important step in establishing extended school year services. Although all special education students must be considered for ESY services, not all students will require an ESY program. A recent survey of ESY services across the country by Project Forum of the National Association of State Directors of Special Education (1983) revealed that most districts providing ESY programs served 5% or less of their handicapped population. Each district must establish procedural guidelines to assure the inclusion of eligible students. Eligibility decisions should be data based and arrived at through multidisciplinary team/individual education program committee consensus and ESY service eligibility should be clearly stated on a student's individualized education program.

Students identified as potential ESY candidates must demonstrate a conclusive need for additional special education and related services. The student population identified for ESY services will define the parameters of the district's program, i.e., staff, space, equipment, and transportation requirements. Identifying student needs will also assist in defining program options, LRE considerations, fiscal needs,

service timelines, and critical program activities. In order to avoid undue parent concern, districts are encouraged to proceed by establishing strong policy foundations before developing eligibility criteria.

Students who receive ESY services will remain eligible for such services as long as conclusive need is demonstrated. It is important to note that continued need should be reviewed on an annual basis. According to WAC 392-171-511,:

> ...The educational placement of each handicapped student shall be evaluated and redetermined annually at a meeting conducted pursuant to WAC 392-171-456.

As ESY may be a change in special education placement, procedural safeguards relating to parent notification requirements and due process rights must be addressed.

The following paragraphs discuss specific eligibility considerations in detail and are offered as possible guidelines when developing eligibility criteria.

·**Health and Health Related Factors:** Students who manifest certain chronic or acute health problems or those who have lost normal body functions through disease or injury resulting in adverse affects on educational performance should be considered as potential candidates for extended school year services (WAC 392-171-396,-401,-436,-446). ESY services for these students may include, but not be limited to, communication disorders services, physical and occupational therapy, orientation and mobility instruction, and audiologic habilitation (WAC 392-171-315). For students whose specially designed instruction includes an academic focus rather than provision of supportive health services, other appropriate related services may be provided (WAC 392-171-320). Health-related services in the public school are, according to PL94-142, those services provided by a qualified school nurse and/or other qualified individuals. Turnbull, Barnes and Strickland (1980) define health-related service as follows:

> ...any service the child needs to maintain or treat his physical or emotional functioning is a school health service if the service enables him to benefit from special education. If he could not benefit from special education without the service, he is entitled to it because otherwise he will be totally or functionally excluded from school or illegally placed in a program that is not the least restrictive educationally appropriate one. This interpretation focuses on the primary nature of the service -- which is educational, not medical or life or health-sustaining. It also helps to focus on one of the purposes of the related-services provision -- namely, to make it possible for a child to benefit from special education (specially designed instruction) (pages 15-16).

It follows then that students requiring related services in order to benefit from special education should be considered when establishing ESY standards.

·**Educational Benefit**: A second consideration is the educational benefit to be derived from FAPE. The U.S. Supreme Court looked at educational benefit in the case of Amy Rowley. Though the Court carefully stated that it was not establishing any one test to determine the adequacy of educational benefits to all handicapped children, Justice Rehnquist in fact defined educational benefit for those special education students educated primarily in the mainstream of regular education. A mainstreamed child's progress is measured by regular examinations and by advancement to higher grades. The decision implies that had Amy Rowley required an extended school year program to ensure her right to educational benefit, such programming would have been ordered. In other words, for a mainstreamed student, services (including extended school year programming) that make the difference between yearly advancement to higher grade levels and the lack of such advancement may be required in support of the FAPE concept.

The Rowley decision may help determine when mainstreamed students like Amy Rowley need extended schooling, but it does not define what "appropriate" education would be for students whose learning handicaps preclude instruction in one or more of the regular academic content areas. Such students require individualized goals and objectives to facilitate and monitor their learning. Thus, educational benefit for such children must be monitored through the IEP process rather than through grades and passage to the next higher grade level (Whitney, 1984).

·**Professional Judgment**: Specific regulations in the Washington Administrative Code Chapter 392-171-351,-366,-461 (see Appendix A) establish the use of professional judgment in the context of assessment, summary analysis, and IEP procedures. Such professional judgment when used in making a recommendation for ESY services must be supported with factual evidence.

In addition to standardized test data, the district should collect other corroborating data such as classroom performance data and teacher/parent perceptions of student achievement (WAC 392-171-351). Based on assessment data and professional judgment regarding that data, the multidisciplinary team should recommend and document the need, if any, for special education and related services beyond the regular 180-day school year (WAC 392-171-366).

When the IEP committee recommends that there may be a need for extended school year services for a particular student and the multidisciplinary team has not been involved, e.g., transfer students, that recommendation should be forwarded to the multidisciplinary team. This

provides the opportunity for the input of professional judgment by persons licensed and/or credentialed to make educational decisions. The collection of information considered within professional judgment may include but not necessarily be limited to the following:

1) direct observation;

2) student performance data (pre-test and post-test);

3) parent/student interview;

4) teacher interview;

5) past experience with similar students; and

6) instructional intervention progress.

·Past History of ESY Services: Handicapped students with a history of receiving ESY services, whether transferring from another district or already enrolled in the district, should be considered for continued ESY programming (FAPE P.L. 94-142). Examples of such students include:

a) students who have received more than 180 days of instruction due to institutionalization prior to district involvement;

b) students who have had a prior IEP which provided for extended school year services; and

c) students who have participated in discretionary summer school programs due to remedial needs or high risk educational problems.

·Least Restrictive Environment: As individual students are considered for extended school year services, district personnel must be aware of:

1) prior student educational programming as it relates to placement within the extended school year program; and

2) service delivery options available within the district which are the most appropriate for students, based on individualized educational needs.

Least restrictive environment (LRE) considerations may require school districts to consider a student for an extended school year program (WAC 392-171-471). The need to attend to the LRE concept in extended school year services is illustrated in the following passage from FOCUS:

> A least restrictive environment (LRE) analysis can be used to determine the need for an extended year program. There may be more

than one placement option that can be considered appropriate for a handicapped student. Among these options, however, there is usually one that is less restrictive than the others. LRE requirements imply that the institutionalized handicapped student who could return to community placement but for the lack of summer programming is a legitimate candidate for extended school year consideration. Also a good candidate is the student who, because of summer instruction, is able to move from a more restrictive special education classroom to a less restrictive and partially mainstreamed program. A third example is the student who has been mainstreamed in several program areas but who is unable to pass district and/or state competency examinations without an extended school year program. ...Certainly parents and school personnel will need to consider the whole child and his or her needs before a recommendation for extended schooling is considered (Whitney, 1984, pp. 3-4).

·**Hearing or Citizen's Complaint Decision**: As a result of a due process hearing or citizen's complaint decision, some students may be referred for ESY services as a provision of the hearing officer's ruling. The decision of the administrative law judge in a due process hearing is final and binding upon districts for implementation. An extended school year decision by a hearing officer may only be modified or overturned by a court of law (WAC 392-171-561); thus, ESY services must be provided where the decision of hearing officer so states.

When SPI findings which result from an investigation of a citizen's complaint indicate a violation of WAC regarding the provision of ESY services, the district must implement corrective measures which remedy the citizen's complaint (WAC 392-171-351,-366,-461,-721). Failure to comply may result in district sanctions as defined by WAC Chapter 392-171-781,-746,-751.

·**Parent/Agency Referral**: Parents, or advocates and agencies acting on behalf of parents and handicapped students, may request ESY services of a school district based on perceived needs. As the student's right to an education is exercised by his parents, their participation in the educational decision-making process is a protection guaranteed by P.L. 94-142. The IEP meeting provides an opportunity for an exchange of information between the parent and the district regarding the possible need for ESY services. If ESY services are proposed by the parent, a recommendation should be made by the IEP committee to the multidisciplinary team (WAC 392-171-461). If the multidisciplinary team determines that a student is eligible for ESY services and, in turn, the IEP committee recommends placement, written consent for the ESY placement must be obtained from the parent (WAC 392-171-466). If a parent disagrees with the decision to place or not to place, a due process hearing may be requested to resolve the issue (WAC 392-171-531).

·Regression-recoupment: A frequently used method of determining extended school year (ESY) program eligibility has been to identify students using regression-recoupment analysis. Regression means loss of skills and recoupment means the length of time required to regain lost skills. Regression is determined through comparing assessment data from spring and fall of the academic year. Whether recoupment has occurred is determined through a third assessment conducted in late fall. Significant regression, once determined, requires that teachers immediately address areas of loss in order to reduce the learning problems caused by a lengthy recoupment period. More specifically, the manifestation of significant regression means that a teacher has to spend additional classroom time working on identified, priority objectives from the previous school year rather than on current IEP objectives. According to this model, this is viewed as harmful as it interferes with the student's ongoing educational program. (In order to follow correct procedural safeguards, parents must be notified if teachers continue working on the previous schoool year IEP objectives.) Of the various methods for determining ESY program eligibility, regression-recoupment is to date the only method that has been tested in the court system and has been successful in proving need for ESY services (Armstrong v. Kline, 1979).

SECTION II PLANNING FOR IMPLEMENTATION

A. ESY POLICY CONSIDERATIONS

B. STAFF RESPONSIBILITIES

C. MULTIDISCIPLINARY TEAM RESPONSIBILITIES

PLANNING FOR IMPLEMENTATION

ESY Policy Considerations

District policy provides the basis for developing and implementing ESY services and therefore must be carefully and thoughtfully considered. A review and/or revision of existing district special education policy and procedures regarding the provision of special education and related services beyond the traditional 180-day school year must be developed by August 31, 1984 (Memorandum of Agreement, see Appendix A). Review or revision of current policy must include the deletion of restrictive language and may include a specific statement regarding the consideration of extended school year services for all handicapped students.

It is essential that special education policies and procedures avoid using restrictive language which limits services to handicapped students to a 180-day school year. Policies should allow for

1) extending a handicapped student's educational program beyond 180 days if appropriate,

2) considering the need of all handicapped students for ESY, and

3) providing services necessary to meet the unique needs of students eligible for ESY services.

An example of a general policy statement follows:

> School District A will consider the need for an extended school year (beyond 180 days) for each student eligible for special education and related services.

As addressed above, restrictive language must be eliminated. Examples include use of phrases that

1) limit the length of the school year for handicapped students to 180 days,

2) provide programming contingent on funding,

3) address the extended school year only for a specific handicapping condition such as severe, multihandicapped and/or seriously behaviorally disordered students,

4) limit the range of services available in an extended school year program, e.g., occupational therapy, physical therapy, communication disorder services, etc.

5) offer services totally at the district's discretion,

6) offer services only on an emergency basis, and

7) limit eligibility to only one consideration such as regression-recoupment or as a result of a hearing or citizen's complaint.

For example, a restrictive policy may state,

> School District B will offer a free and appropriate public education to all students with handicapping conditions in the standard 180-day school year. The district will provide extended school year services when funds become available and only to Multihandicapped (MH) and Seriously Behaviorally Disordered (SBD) students.

The underlined phrases are restrictive because:

1) the first restricts the length of the school year to be considered,

2) the second implies that extended year services will be offered only if funds are available, and

3) the third limits the categories of students to be served.

The policy could be amended as follows:

> School District B will offer a free and appropriate public education to all special education students. The district will consider extended school year services for all special education students and provide such services when it is determined to be a necessary component of the IEP based on the multidisciplinary team recommendation.

No matter how general or how specific a district chooses to be in developing or refining policy, it is important to remember that the language must not be restrictive and must include provisions for considering all special education students for ESY services. Page 13 offers examples of policy statements which should provide local education agencies with additional information on developing or refining policy.

POLICY EXAMPLES

Sample District Policy

School District C affirms the right of all handicapped students to a free and appropriate public education. As such, the district recognizes that extended school year programming may be a necessary component of a student's IEP, when such programming is required to meet the unique needs of a particular student. Consideration of this need shall be addressed at each student's annual review of the IEP.

Sample District Policy

School District D will comply with provisions of WAC 392-171-310 in guaranteeing that all eligible handicapped children in the district will be considered for extended school year services in accordance with FAPE. According to WAC 392-171-310,

(1) "Free appropriate, public education" means special education and related services which:

(a) Are provided at public expense, under local school district supervision and direction, and without charge;
(b) Meet the standards of the state educational agency; and
(c) Are provided in conformity with an individualized education program which meet the requirements of WAC 392 171-461.

Washington State School Directors' Association ESY Policy Statement

The district shall provide every handicapped student age four (age three by 1985-1986) to twenty-one with a free appropriate public education which consists of special education and related services including consideration of education and related support services which extend beyond the traditional 180-day school calendar year. The superintendent shall be responsible for establishing a monitoring system to assure that the procedures of the district are in compliance with state and federal law. (WAC 392-171-310, 315, 320, 325, 381 through 451, 706, 711, 721.)

Staff Responsibilities

Following the adoption of a district ESY policy, the next priority activity is the identification of staff resources necessary to promote successful implementation of the policy. The organization of a small task force is suggested in order to focus attention on ESY planning activities and should include assignment of specific responsibilities and timelines . Districts may choose to assign an administrative staff person to the position of Extended School Year Coordinator. The responsibilities of this position include coordinating ESY implementation efforts in concert with district policy and state guidelines. Additional responsibilities may involve supervision of the following staff activities:

1) assigning responsibilities;

2) establishing timelines;

3) orienting key special education personnel;

4) orienting building administration personnel;

5) developing data collection forms; and

6) coordinating implementation efforts.

(An action plan of implementation activities is included in Section III of this manual.)

Multidisciplinary Team (MDT) Responsibilities in Determining Extended School Year Services

In the Washington Administrative Code Chapter 392-171-351, the student assessment shall be conducted by a multidisciplinary team (MDT). This team consists of a group of professionals who are qualified to conduct individual diagnostic assessments and be licensed, registered, credentialed or certificated according to professional standards in accordance with state statutes and rules. The team members assess individual students and determine whether the students qualify for special education and/or related services in accordance with WAC 392-171.

On June 28, 1984 revisions in WAC 392-171 were adopted that clarify the multidisciplinary team responsibilities in determining student eligibility for extended school year services.

The following paragraphs delineate specific WAC revisions which multidisciplinary teams must consider for each special education student.

1. General Assessment Safeguards (WAC 392-171-351)

This WAC section outlines assessment and reassessment responsibilities required of the multidisciplinary team. The ESY revisions for the multidisciplinary team are as follows:

> In section (8) of WAC 392-171-351 an addition pertaining to ESY reads - "including the need, if appropriate, of scheduling such services over a period of time that exceeds the regular one hundred eighty day school calendar: provided, that in the event the assessment is an initial assessment by the district, the recommendation regarding the appropriateness of an extended school year for a particular student need not be made until May of the school year in which the initial assessment is made".

Section 8 clearly states that the multidisciplinary team must address program length in the assessment summary. This should occur at the time the multidisciplinary team assessment summaries are completed or in May of the school year in which the initial assessment was made.

2. Summary Analysis of Assessment Data (WAC 392-171-366)

Revisions that include ESY considerations in WAC 392-171-366 are made in section (f). Section (f) deals with the recommendations to the individual educational program committee. The revisions state:

> "Make recommendations to the individualized educational program committee regarding placement, special education and related services needed (including the need, if appropriate, of scheduling such services over a period of time that exceeds the regular one hundred eighty school days), needs for specialized materials or equipment, learning modalities (e.g., auditory), and student management strategies (e.g., reinforcement schedules, etc.), as determined by the multidisciplinary team to be significant to the student's program. If the multidisciplinary team at the time of the student's initial assessment by the district for professionally sound reasons is unable to make a recommendation regarding the need for an extended school year for a particular student, the multidisciplinary team shall make its recommendation regarding an extended school year prior to the May following initial assessment".

In this section, the multidisciplinary team must consider program length and then make a recommendation to the IEP committee. This recommendation should include a statement of program length regarding the traditional 180 school days as well as specifying the number of extended school year days when applicable. The multidisciplinary team must include this recommendation on the summary analysis at the time of the IEP meeting or prior to May following initial assessment.

3. Individual Education Program (WAC 392-171-461)

This WAC section specifies the necessary components of each student's individual education program (I.E.P.). The provisions for ESY considerations are located in section (f) of WAC 392-171-461. Section (f) deals specifically with projected dates for initiation and duration of services, and therefore has implications for multidisciplinary team consideration.

> ...(f) The projected dates for the initiation of services and the anticipated duration of the services, including the number of school days, the number of hours per day, and the length of the school year over which such services shall be provided: PROVIDED, that in the event the individualized education program is the first in the district for such student and the multidisciplinary team has not made a determination as to the need for an extended school year for such child, the individualized educational program team shall makes its recommendation on the length of the school year over which such services shall be provided prior to the conclusion of the regular one hundred eighty school days.

Section (f) outlines the responsibilities of the IEP committee to determine program length. If the committee's recommendation is to extend the school year beyond 180 days, then the IEP committee should forward the recommendation to the multidisciplinary team for review. This allows for the input of professional judgment by persons licensed and/or credentialed to make educational decisions. The multidisciplinary team will review and make final recommendation for program length to the IEP committee (WAC 392-171-366).

For a transfer student the multidisciplinary team leader must determine eligibility for special education according to WAC 392-171-381,-451. If the student is eligible, then an IEP must be developed. By May of that year the IEP committee must convene to make a recommendation to the multidisciplinary team regarding possible needs for ESY services. If the committee recommends a need for ESY services, then the recommendation should be given to the team leader. The leader then convenes a multidisciplinary team meeting to consider the IEP committee recommendation. If services are needed, the multidisciplinary team reviews the recommendation and provides additional data. The recommendation is returned to the IEP Committee and the need for ESY services is recorded on the student's IEP.

SECTION III HIGHLINE ESY IMPLEMENTATION PROCESS

A. HIGHLINE ESY POLICY AND PROCEDURES

B. TURNER REGRESSION-RECOUPMENT MODEL

C. HIGHLINE PROCESS

D. IMPLEMENTATION ACTION PLAN

HIGHLINE ESY IMPLEMENTATION PROCESS

This section is offered as an example of one district's effort to implement a system for determining extended school year service eligibility. While a regression-recoupment model was used for initial implementation activities, it is important to note that, as previously mentioned, other eligibility factors must be considered. Additional considerations should include health related factors, educational benefit, professional judgment, past history of ESY services, least restrictive environment, hearing or citizen's complaint decision, and parent/agency referrals.

The section begins with a detailed description of the Turner Regression-Recoupment model. The section then presents a working draft of Highline School District's ESY policy and procedures. Although the working draft succinctly reflects Highline policy and procedures as they currently exist, it is important to remember that the development process is dynamic and that improvements in the model are anticipated. The section also includes a lengthy description of the process that Highline staff used in assembling the model. The process is divided into a series of eleven (11) steps which consist of planning, training and implementation sequences.

The section concludes with an implementation action plan that is designed to provide information about important steps that must be undertaken in order to implement an extended school year program. These steps include

A) developing/refining policies
B) reviewing all eligibility considerations,
C) orienting staff, and
D) implementing ESY services.

TURNER REGRESSION-RECOUPMENT MODEL

The Data Based Model for Assessing all Handicapped Pupils' Need for Extended School Year Programs (Turner and Cowan, 1984) provides a paradigm for determining extended school year eligibility through measuring regression and recoupment. The model, developed by Dr. Keith Turner of the University of Texas, was first employed by the DeKalb County School District in Georgia with the intent of screening potential ESY candidates. The 9,000 plus students screened were considered at risk for severe regression-recoupment problems as a result of summer vacation.

The model consists of a three-phase assessment process and requires systematic, standardized data collection across all three phases. Phase I occurs in the spring of an academic year. Phase II takes place in early fall. Comparisons of test data from each phase reveal a regression figure. Whether recoupment occurs is determined during Phase III of the process. It is important to note that test measure must remain constant for each student across all three phases.

Turner advocates the use of a six-step system in developing implementation policies and procedures for determining ESY program eligibility. The six steps include:

1) identifying the handicapped population to be assessed;

2) establishing empirical, observable and consistent standards to determine regression-recoupment;

3) developing guidelines for defining recoupment and significant loss;

4) establishing a process for systematic data collection which must answer the questions:

   a. when will the data be collected?
      how will the data be collected?
      who will be responsible for collecting the data?

   b. what measure will be used?

   c. how will the data be transferred to the student's next teacher?

5) establishing a committee to review students whose assessment results indicate regression-recoupment problems; and
6) developing placement and exit guidelines.

Decisions regarding the types of data to collect should be contingent upon ongoing instructional programs and the nature of the objectives

written on a student's IEP. Turner recommends that teachers select four or five objectives for each student. Selected objectives should be high priority and reflect skills that, if lost and not regained, would impede the progress of the student's ongoing educational program.

The data-recording system should reflect unique educational interests of specific special education programs yet be standardized and therefore applicable to all programs within the district. Data collection ideally occurs during the last six weeks of spring quarter and within the first six weeks of fall term. As was earlier stated, a regression figure is determined by comparing pre-post break measures. A recoupment figure is obtained by measuring the length of time it takes a student to relearn lost skills.

According to Turner, the difficulty with these measures is determining an empirical estimate of educational significance; i.e., significant regression. Turner suggests that in order for regression to be considered significant, "the effects of the instructional break should be great enough to alter the ongoing course of instruction for the pupil and it should be of such a duration as to prevent the acquisition of new knowledge for a period of time greater than four to six weeks" (page 7, Turner & Cowan).

Once eligibility has been determined, a meeting should be scheduled with parents, teachers, and other appropriate school personnel to discuss the eligibility committee's findings.

A modified version of the Turner Model for determining ESY eligibility through assessing regression and recoupment problems recently was implemented in the Highline School District. The next section describes the process that Highline staff used in assembling the model.

WORKING DRAFT

EXTENDED SCHOOL YEAR PROCEDURAL PLAN

SPECIAL EDUCATION PROGRAMS

HIGHLINE SCHOOL DISTRICT

I. TENTATIVE HIGHLINE BOARD POLICY

All students with handicapping conditions, ages three to twenty-one, shall be provided a free and appropriate public education which includes consideration of education and related support services which extend beyond the traditional school year. The Superintendant (or designee) shall be responsible for the development of a data-based collection system by which students shall be assessed for eligibility for an extended school year program. If the student qualifies, then an ESY program will be developed to meet the unique needs of the student. (WAC 392-171-310,-315,-320,-325,-381 through -451, -706,-711,-721.).

II. DEFINITION OF TERMS

The following working definitions will be used in determining ESY program eligibility.

A. Regression: Loss of a priority skill or skills over summer vacation as established on the IEP and determined through review of IEP objectives.

B. Recoupment: Length of time required to relearn priority skills following an extended interruption of school.

C. Regression-recoupment problem: Loss of priority skills and failure to relearn the skills within a specified time thus interfering with the ongoing educational progress.

D. Professional judgement: Decisions made by licensed, credentialed and/or certificated persons based on direct observation, student performance data (pre-test and post-test), parent/student interview, teacher interview, past experience with similar students, instructional intervention progress, educational benefit, least restrictive environment, health related factors, etc.

III. DETERMINING ELIGIBILITY

The basis for determining eligibility for extended school year services is the analyzed data collected through reviewing health related factors, educational benefit, professional judgements, least restrictive environment, past history, regression-recoupment, hearing or citizen's complaint decisions. and/or parent referral. Each handicapping condition will have specific guidelines for assessment and for translating assessment results into eligibility decisions. The timeline for completing assessments is as follows:

Spring:	Test all special education students with appropriate standardized instruments. Identify primary IEP objectives.
September:	Retest all special education students for regression. Check for maintenance of objectives.
November:	Retest only students who regressed and only areas of regression. Refer students to committee for extended school year consideration if specified recoupment does not occur.
Ongoing:	Review students' IEP's to consider all eligibility factors for ESY services.

The ESY Program Coordinator will receive all completed forms and forward the data to the computer staff. Then the results will be sent to the eligibility committee (MDT/IEP Committee). The eligibility committee will:

1) review data for potential ESY candidates;

2) interview the student's previous teachers;

3) ensure that individual teachers are maintaining standardized data collection procedures;

4) determine student eligibility on an individual basis; and

5) transfer data between students' teachers in cooperation with the computer staff.

The ESY Program Coordinator will notify parents regarding eligibility decisions.

IV. IEP MODIFICATIONS

The objectives measured when determining ESY service eligibility will be selected from the student's IEP. IEP forms will be modified to include a statement regarding ESY eligibility.

V. EXIT CRITERIA AND TRANSFER STUDENTS

Data collection will be conducted on an annual basis. Continuous evaluation will reveal those students who no longer require extended school year services. Those students will no longer be eligible for ESY services.

Transfer students will first be assessed by the district's transfer specialist. Upon recommendation, the eligibility committee will review those students who are ESY candidates and consider possible placement.

VI. GENERAL PROGRAM DESCRIPTION

The primary focus of ESY instruction will be to address students' identified priority objectives. The specific service delivery model to be implemented in the summer of 1985 will be contingent upon the number of eligible students. Possible service options are:

A. Centrally located clinic;

B. Home-based instruction;

C. Classroom instruction; and

D. Regional Cooperatives.

Transportation will be provided. In addition, a summer program emphasizing recreational and/or leisure skills may run in tandem with the extended school year program.

IMPLEMENTATION OF THE HIGHLINE MODEL

The purpose of this portion of the manual is to present information on the development of Highline's data-based ESY eligibility model. The model was developed through a collaborative effort of administrators, teachers, and diagnosticians. In addition, Highline School District collaborated with SPI and ESD #121 in implementing a process to identify pupils with severe regression-recoupment problems.

The process is divided into a series of eleven (11) steps that detail planning, training and implementation activities. Each step contains information on specific activities, participants and outcomes. Concerns that surfaced during staff orientation are listed when pertinent. Districts may wish to consider this model when developing their own procedures.

Planning

Steps I and II describe the organization of a task force to coordinate development of Highline's data-based model.

Steps III-VII describe all the processes and procedures used to

1) select and inform building personnel of their participation in project development,

2) familiarize selected staff with ESY concepts and issues and the Turner regression-recoupment model,

3) enable staff and the consultant to work together to establish eligibility criteria for each categorical program, and

4) discuss and choose appropriate measurement methods.

These steps resulted in the development of ESY procedures by teaching staff who frequently are the most credible witnesses in ESY federal litigation, especially when they have empirical data reflecting progress related to the IEP.

Training

Step VIII describes the training of <u>all</u> Highline special education teaching staff in the eligibility assessment process. Districts may wish to take note of the fact that the amount of training required to collect ESY data depends upon staff knowledge of ESY issues and ability to collect objective data in a systematic fashion. Upon completion of training, teaching staff should be able to

1) develop measurable, functional IEP objectives,

2) collect ESY assessment data,

3) transfer collected data to standardized forms (sample forms are included in Appendix C), and

4) determine regression and recoupment figures.

Implementation

Steps IX and XI provide information on implementation activities. The primary focus was to develop, refine and standardize forms and to implement spring data collection procedures.

Step I

Activity: Organization and development of Task Force

Participants: ESD #121 Staff
LEA Directors

Description:

A. In June of 1983, the Office for Civil Rights (OCR) issued findings which called upon the Seattle School District to develop standards and procedures for determining ESY program eligibility.

B. As a result of OCR's findings, LEA Directors in ESD #121 established an eight-member task force. Task force membership consisted of ESD #121 personnel and LEA Directors. The goals of the task force were to:
1) provide information on ESY programs and
2) provide training opportunities in the area of ESY services.

C. The task force's initial efforts included:
1) identification of a model implementation site and
2) identification of resources pertinent to ESY issues.

D. Identification of Model Implementation Site
The task force, in cooperation with SPI's Division of Special Services, selected Highline School District as the site for implementing a regression-recoupment model. Highline School District was chosen because of its characteristics as a mid-size district that serves all PL94-142 and WAC 392-171 defined categories of handicapped children. Highline administrative staff decided that all handicapped children currently enrolled in the district would be assessed.

E. Identification of Resources
The task force, again with the cooperation of SPI's Division of Special Services, identified Dr. Keith Turner as a resource person. Dr. Turner, a nationally recognized authority on ESY programs, was subsequently employed for one week to work with SPI staff and Highline School District staff.

Products/Outcomes:

A. Task force organized
B. Task force goals and objectives established
C. Implementation site identified
D. Consultant identified and hired

Step II

Activity: SPI Staff Workshop on ESY Programs

Participants: Dr. Keith Turner, Consultant
SPI Special Education Staff

Description:

Dr. Turner spent two days working with staff from SPI's Division of Special Services. The purpose of this meeting was to provide information on current trends, concepts, and models pertaining to the ESY issue.

Products/Outcomes:
SPI Division of Special Services informed

Steps III through VII describe initial efforts to familiarize selected Highline special education personnel with procedures for implementing a regression-recoupment model. The primary means of conveying information was a 3-day workshop for head teachers, administrative staff, and task force members.

The workshop, conducted by Dr. Keith Turner, was designed to provide an overview of ESY services and to involve district personnel in implementing the model.

Step III

Activity: General Orientation For Key Special Education Administrative Staff

Participants: Director of Special Education
Three Area Coordinators
Head Teachers
Staff Psychologist

Description:

A. One week prior to the general workshop, the designated ESY program coordinator discussed the concept of ESY at the weekly administrative staff meeting.

B. The purpose of this discussion was to
1) explain the ESY concept,
2) provide background information about the workshop,
3) describe the workshop agenda, and
4) facilitate teacher orientation.

Products/Outcomes:

A. Special Education administrative staff and head teachers informed
B. Workshop agenda described

Concerns: Teachers were concerned about the brief time period left in the school year to provide teacher orientation and to collect data.

Step IV

Activity: Area Coordinator Meeting

Participants: District Special Education Coordinators

Description:

A. At the weekly coordinator's meeting, the three coordinators met to decide which teachers would be involved in the three-day workshop. A head teacher and one additional teacher from each categorical program were chosen.

B. This meeting also allowed for further discussion of the ESY concept.

Products/Outcomes:

A. Instructional staff selected
B. Coordinator orientation continued

Step V

Activity: Principals contacted

Participants: ESY Program Coordinator
District Principals

Description:

A. After teachers were chosen (see Step IV), the ESY Program Coordinator contacted principals of each school in the district.

B. The purpose of this step was to
1) explain the ESY concept to principals,
2) request release time for selected teachers when applicable, and
3) provide general information on the district's intention to implement a regression-recoupment model.

Products/Outcomes:

A. Principals informed
B. Release time approved

Step VI

Activity: Initial Workshop for Selected District Personnel

Participants: Dr. Keith Turner
Selected School District Personnel
Task Force Members

Description:

A. The purpose of this workshop was to provide information to selected district staff about ESY policies and to determine procedures for Highline implementation activities. The workshop was divided into four meetings and occurred over a three-day period.

B. Policy Meeting
During this meeting, workshop participants received background information on ESY issues. Harm versus benefit programs and major court cases were discussed. Terminology was defined and discussed, and the school district's intentions were outlined.

C. General Meetings
In addition to the policy meeting, two general meetings were held on the first day of the workshop. The first meeting was directed toward teachers of mildly handicapped students while the second meeting involved teachers of moderately and severely handicapped students. During both hour long meetings, pertinent ESY eligibility issues were discussed.

D. Working Meetings
On the second and third days of the workshop, participants were divided into small groups representative of various special education categories. The purpose of these small groups was to establish eligibility criteria for extended school year services for each handicapping condition. Each group was required to identify measurement techniques and to define regression, significant regression, and recoupment quantitatively.

E. Closure Meeting

On the final afternoon of the workshop, participants met with the consultant to discuss concerns about implementing the regression-recoupment model. Several concerns were voiced. In particular, teachers requested information on:

1) timelines,
2) cost/benefit (instructional time lost versus student gains), and
3) district commitment in terms of dollars, time, staff, etc.

Specific information on eligibility criteria and decision making was also requested.

The administrative staff addressed each concern. Questions and responses are detailed in Appendix B.

Products/Outcomes:

A. Selected teachers informed
B. Eligibility criteria defined
C. Specific concerns addressed

Concerns: See Appendix B.

Step VII

Activity: Task Force Debriefing Meeting

Participants: Task force members
Consultant

Description:

At the conclusion of the workshop, the task force met to debrief and discuss the workshop. Future plans were also discussed.

(Note: At this point the task force unofficially disbanded. Since the initial purposes had been fulfilled, it was no longer necessary to continue meeting. The group, however, was frequently apprised of the Highline effort.)

Products/Outcomes:

A. Workshop summarized
B. Future plans discussed

Step VIII

Activity: General Special Education Staff Meetings

Participants: District Special Education Staff

Description:

A. Two special education staff meetings were held to provide specific instructions on implementing Dr. Turner's regression-recoupment model. One meeting was for secondary personnel and one was for elementary personnel. The agenda included discussion of the following topics:

1) Historical background on ESY;
2) The Seattle-OCR situation;
3) Highline's policy and plan;
4) Definition of terms: benefit versus harm, summer school versus extended school year; and
5) Implementation requirements, concerns, and responsibilities

B. Teachers were provided with copies of the Wide Range Achievement Test, notebooks containing pertinent information, and the district's specific learning objectives (SLO's). Teachers were asked to coordinate IEP objectives with the district's SLO's. Teachers were told that testing was to begin immediately.

Products/Outcomes:

A. Teachers informed
B. Testing initiated
C. Responsibilities delegated

Concerns:

A. Inadequate timelines
B. Test/retest reliability of the WRAT
C. Eligibility concerns
D. Comprehension of harm versus benefit concept
E. Remuneration for added teacher responsibilities
F. Lost instructional time due to data collection activities
G. Justification of ESY data collection procedures

Step IX

Activity: ESY Forms Development Workshop/Concerns and Issues

Participants:

Consultant
Coordinators
ESD #121 Staff
Attorney, Highline School District
Computer Consultants, Highline School District
All Head Teachers
Other Selected Teachers

(It is important to note that this workshop included teacher representatives who had expressed major concerns about extended school year requirements.)

Description:

A. The purpose of this meeting was three-fold:
   1) to develop and standardize forms for collecting regression-recoupment data;
   2) to provide further clarification on ESY requirements and procedures; and
   3) to address additional concerns raised by individual teachers.

B. The bulk of this workshop consisted of developing data collection forms and standardizing criteria for selected objectives. Analysis of data was also discussed (See Appendix C for sample of forms). Smaller working groups representing each handicapping condition determined how the data would be collected, who would collect the data, and how the information would be transferred. In an effort to observe closely and supervise initial data collection activities, all collected data were forwarded to the coordinator in charge of implementing the ESY program.

C. After rough drafts of forms had been developed, the coordinators and the consultant met with the school district's attorney to review and refine the forms.

D. Rough drafts of the forms were also shown to the district's computer staff. Format questions were discussed and forms were revised. (Computerizing the data from teacher-completed forms will allow for a smooth transfer of student information from one school year to the next school year.)

E. After forms had been reviewed and refined, a small working group met to finalize forms and develop reminders and directions for completing data collection procedures.

F. The final meeting consisted of the following activities:
   1) teachers received copies of forms;
   2) sample data were provided and teachers were requested to complete one set of forms;
   3) common data collection procedures for each handicapping condition were discussed;
   4) a list of points needing further clarification was developed; and
   5) efficient transfer of records to each student's next teacher was discussed.

Products/Outcomes:

A. Forms developed, refined, and finalized
B. Implementation procedures further clarified
C. Teacher concerns further clarified
D. Computer staff consulted
E. Attorney consulted

Step X

Activity: ESY Panel Discussion

Participants: ESD #121 LEA Special Education Directors
Consultant
Highline Special Education Director
Highline ESY Coordinator
SPI Representative
ESD #121 Staff

Description:

A. During the forms development workshop, LEA Special Education Directors were invited to a panel discussion. The purpose of the panel discussion was to provide directors with additional information about ESY issues.

B. The panel members included Dr. Keith Turner (Consultant), Dr. Robert LaGarde (SPI), Dr. John Jewell (Director of Special Education at Highline School District), and Dr. Dina Benedetti (Highline ESY Coordinator).

The agenda was as follows:
   1) Dr. Turner presented information on ESY program issues in the United States:
   2) Dr. LaGarde discussed ESY issues in the State of Washington;
   3) Dr. Jewell and Dr. Benedetti outlined Highline's approach to ESY; and
   4) Participants discussed questions and concerns.

Products/Outcomes:

A. LEA Special Education Directors informed
B. Highline approach explained
C. ESY issues discussed

Step XI

Activity: Coordinator meetings with instructional staff

Participants:

Area Coordinators
Special Education Teachers

Description:

A. Each of the district's three special education coordinators held separate three-hour meetings with respective staff members. These meetings constituted the final step in the initial implementation of Dr. Turner's regression-recoupment model for determining ESY eligibility. The step is, however, by no means the final step in the total process.

B. The purpose of each meeting was to review data collection procedures to ensure continuity across spring and fall assessments. Meeting activities included the following:

1) forms were reviewed;
2) objectives and criteria were standardized;
3) additional requirements were explained;
4) the need for additional placement testing was discussed; and
5) the requirement for collecting data on behaviors was discussed.

Products/Outcomes:

A. Specific teacher requirements reviewed and expanded
B. Timelines introduced
C. Data transfer discussed
D. Objectives and criteria further standardized

Concerns:

Due to the nature and the speed of the implementation process, Highline School District staff felt that some of the activities included in this step should have occurred earlier in the implementation process. Lack of standardized objectives and criteria caused difficulties and demanded retesting in certain situations. Coordinators involved in the implementation process included the following:

1) Policies and procedures should be planned and developed several months prior to implementation.
2) Though costly, teachers should be involved in planning for implementation. Ideally, one representative from each school and from each category of handicapping condition should be included.
3) Exact requirements and specific directions should be provided well in advance of actual implementation activities.
4) The educational relevance of ESY programs and how the concept relates to a student's IEP should be demonstrated.

CONCLUSION

The lack of research literature on ESY eligibility models makes it difficult to estimate the approximate number of Highline students who may experience regression-recoupment problems. Nevertheless, it is anticipated that the number is low. Table I provides information on Highline's categorical programs and the number of students enrolled in each category. Table I also presents a projected count for ESY programs based on low percentage calculations. It is interesting to note that even if five percent (.05) of students enrolled in the twelve categories require ESY services, the actual number would be only seventy-nine students.

IMPLEMENTATION ACTION PLAN

The previously described process which evolved from implementing an ESY program eligibility model at Highline School District is currently being reviewed and refined to eliminate problems and to increase efficiency. In reviewing the previously described steps, it is important to remember that the process unfolded in a brief time period. As with any human endeavor, steps that now seem obvious initially were omitted. Nevertheless, certain essential steps must occur if a district is to implement procedures for determining ESY program eligibility. These steps are outlined in checklist form and comprise this section of the manual. The action plan is offered as an informational guideline and is not intended to reflect ESD #121 or SPI policy.

TABLE I

HIGHLINE HANDICAPPED STUDENT ENROLLMENT
BY CATEGORY AND
PROJECTED STUDENT COUNT FOR ESY SERVICES*

Categories	Highline Student Average 1983-84	Highline % of Students 1983-84	1% .01	1.5% .015	2% .02	2.5% .025	3% .03	4% .04	5% .05
1. Dev. Handicapped	130	8.21%							
2. Serious Beh. Dis.	180	11.37%							
3. Orthoped. Impaired	11	0.69%							
4. Health Impaired	48	3.00%							
5. Spec. Learn. Disab.	668	42.20%							
6. Mental Retardation	199	11.95%							
7. Multihandicapped	42	2.68%							
8. Deaf	49	3.09%							
9. Hard of Hearing	13	0.85%							
10. Visually Impaired	11	0.70%							
11. Deaf-Blind	2	0.10%							
12. Commun. Disordered	230	14.55%							
	1583	100.00%	16	24	32	40	48	63	79

*Based on 1983-84

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ESY ELIGIBILITY
IMPLEMENTATION ACTION PLAN
WORKING DRAFT

Please note that letters preceded by an asterisk (*) are **essential** steps regardless of specific eligibility considerations.

Activity	Responsibility	Suggested Timeline
I. Assignment of Responsibilities for Implementing Eligibility Model		
*A. Refine district special education policy to insure consideration of ESY for all handicapped students	Superintendent and School Board	
*B. Assign Coordinator	Superintendent and/or Director of Special Education	Summer
*C. Select and assign additional staff		
1) Coordinators		
2) Head Teachers		
3) District consultants		
a) Research staff		
b) Attorney		
II. Key Personnel Orientation	ESY Coordinator	September

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	Activity	Responsibility	Suggested Timeline
*A.	Provide background information re: ESY	Other Coordinators	
*B.	Identify population to be assessed	Other Coordinators	
C.	Define eligibility criteria	Special Education Staff	September
*D.	Develop systematic data collection process by determining:		
	1) When data will be collected		
	2) How data will be collected		
	3) Who will collect data		
	4) What tests will be used		
	5) How data will be transferred to student's new teacher		
*E.	Establish eligibility committee		
*F.	Identify ESY standards for		
	1) Eligibility		
	2) Placement/Services		
	3) Exit		
*G.	Develop forms for data collection		

	Activity	Responsibility	Suggested Timeline
*H.	Standardize format for objectives and criteria		
I.	Investigate options for providing assistance to teachers		
	1) Extra pay for record keeping and report writing		
	2) Assistance for test administration		
	3) Release time		
	4) Substitutes		
	5) Technical Assistance		
III.	**Special Education Staff Orientation**	ESY Coordinator	September
*A.	Provide background information regarding ESY issues	Other Coordinators	
*B.	Outline policies and procedures	Head Teachers	
*C.	Provide staff with standardized tests, objectives and criteria		
*D.	Provide sample forms		
*E.	Provide sample data		
*F.	Solicit staff concerns		

Activity	Responsibility	Suggested Timeline
IV. Refinement of Data Collection Procedures	ESY Coordinator	September
A. Modify forms		
1) Consult computer staff		
2) Consult attorney		
*B. Implement sample data collection activities with staff		October-March
V. Parent Notification of ESY Assessment	ESY Coordinator	Spring
*A. Provide background information	Teachers	
*B. Outline eligibility criteria		
VI. Implementation of Data Collection Procedures[1]	Teachers	Spring or early Fall
A. Initiate Testing		
B. Transfer completed ESY data forms to central office for monitoring and computer entry (Note: Copies of the test(s) and measurement standards for priority IEP objectives should be attached to each form.)		
C. Redistribute ESY data forms to current year teachers	ESY Coordinator	September

[1] Steps A through J in Section VI are necessary when implementing a regression-recoupment model. Districts are reminded, however, that additional eligibility factors must be considered.

	Activity	Responsibility	Suggested Timeline
B.	Test for regression	Teachers	September
	1) Readminister tests to all special education students		
	2) Determine whether IEP objectives have been maintained according to ESY standards		
	3) Enter data on form	Teachers	
C.	Check for regression against spring results	ESY Coordinator and Teachers	
F.	Enter into computer		
G.	Identify students needing recoupment testing	ESY Coordinator	
H.	Notify teachers	ESY Coordinator	
I.	Test for recoupment only in areas of significant regression	Teachers	November
J.	Return forms to central office	Teacher	
K.	Identify potential ESY candidates	ESY Coordinator	
L.	Refer students to eligibility committee	ESY Coordinator	
M.	Review data collection procedures and test results for Committee	Eligibility	January through March
	1) Validity and		
	2) Reliability		

	Activity	Responsibility	Suggested Timeline
*B.	Determine eligibility for ESY services	Eligibility Committee	March
VII.	**Spring IEP Meeting**		
*A.	Notify teachers and parents	ESY Coordinator	April
*B.	Note eligibility on Spring IEP	Teacher	
*C.	Discuss student's assessment performance	Teacher and Parents	May
*D.	Outline ESY program	ESY Coordinator	
*E.	Decide on enrollment	Parents	
VIII.	**Extended School Year Program**		
*A.	Identify number and categories of students needing services	ESY Coordinator	
*B.	Explore service delivery options	Administrative Staff	
	1) Classroom instruction	Staff	
	2) Centrally located clinic		
	3) Home-based instruction		

Activity	Responsibility	Suggested Timeline
4) Regional cooperatives		
"C. Estimate program cost		
"D. Select facilities		
"E. Arrange transportation		
"F. Recruit staff		
"G. Investigate ESY funding options		
1) PL 98-182		
2) State flow-through money		
3) Regional VI A & B funds		
4) VI-B State discretionary money		
5) Basic education allotment		

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APPENDIX A

SPI Bulletin No. 11-84

ESY Provisions in WAC 392-171

OCR Memorandum of Agreement

SPI

DR. FRANK B. BROUILLET

Superintendent of Public Instruction

June 29, 1984

( ) Informational Only
(X) Attention Needed
Due Back By:

BULLETIN NO. 11-84 DIVISION OF SPECIAL SERVICES AND PROFESSIONAL PROGRAMS

TO: School District Superintendents
Educational Service District Superintendents
School District Directors of Special Education
Educational Service District Directors of Special Education

FROM: Frank B. Brouillet, State Superintendent of Public Instruction

RE: EXTENDED SCHOOL YEAR

This office and the Seattle School District have recently executed a "memorandum agreement" with the Office of Civil Rights, Department of Education. This agreement is intended to resolve a procedural issue regarding the legal necessity of considering the possible need of individual handicapped students for programming above and beyond that provided during the regular school year. Pursuant to the agreement, OSPI has modified state rules for special education (Chapter 392-171 WAC). Copies of the memorandum of agreement and Chapter 392-171 WAC are attached for your review.

Each district is required to take the following actions:

1. Immediately review district special education assessment and individualized program development policies and procedures and revise them as necessary to assure that the possible need for programming beyond the regular school year is considered in the case of each handicapped student:

Old Capitol Building PG-11 Olympia, Washington 98504

2. Make and document such student by student considerations during the 1984-85 school year; and

3. Implement "extended school year" programs for handicapped students based on their individual need for such programming no later than the summer of 1985.

Whether or not the need for extended school year programming must be considered in the case of each handicapped student has been under review for some time by state and local officials, as well as by the courts. No less than four federal Circuit Courts of Appeal have now held that federal law clearly prohibits the state and school districts from imposing a fixed 180 day or similar regular school year limitation upon the extent of what constitutes an "appropriate" program for individual handicapped students.

The legal requirement, addressed by this bulletin and the attachments, that each student's possible need for extended school year programming be affirmatively considered are essentially procedural in nature. We are acutely aware, however, that this explanation does not resolve concerns about (1) the possible need for increased funding or (2) the basis for determining whether a particular handicapped student is in need of extended school year programming. It will take time, experience, and documentation to address these two concerns.

We will continue to monitor program costs for state budget purposes. State special eduction funds generated by a school district during the school year may be utilized for extended school year service. The first priority of P.L. 94-142 funds by federal policy is for unserved children and unmet needs. There will be a need for school districts to redirect the use of these funds, as needed, for extended school year program consideration.

Because of the need to address the basis for determining individual student program needs, we are currently cooperating with Educational Service District No. 121 in the conduct of a pilot project designed to establish some of the methods for

determining whether a particular handicapped student is in need of extended school year programming. While the matter is complex, there are several points which appear to be clear: (1) The determination of need for extended school year programming is to be made on a student by student basis--not on the basis of the category or classification of a handicapping condition; (2) The determination must be made and justified on the basis of what is reasonably necessary to provide a particular handicapped student an "appropriate" educational program contemplated by federal law; and, (3) The fact that a student would benefit to some extent from extended school year programming does not alone establish eligibility for such programming--the extent and positive effect of the benefit are important considerations.

For a more thorough analysis of the extended school year question, see the enclosed copyrighted article "An Extended School Year for Handicapped Students?". This article appears in Volume 14 of West's Education Law Reporter and is being distributed with the consent of the publisher.

The Office of Superintendent of Public Instruction, Division of Special Services and Professional programs, Special Education Section, and ESDs are available for technical assistance to school districts in the development of extended school year policies, procedures, and program planning.

Cooperative efforts in determining extended school year needs for Summer, 1985, will be important for both school district and OSPI program and budget planning. Please contact the Office of Superintendent of Public Instruction, Special Education Section or your ESD Director of Special Education for assistance.

DIVISION OF SPECIAL SERVICES
AND PROFESSIONAL PROGRAMS

Judy A. Schrag

Judy A. Schrag
Assistant Superintendent

Greg Kirsch

Greg Kirsch, Director
Special Education Section

JAS:pgm

Attachments

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

SUPERINTENDENT OF PUBLIC INSTRUCTION
(agency name)

Administrative Order No. 84-18

(1) I, FRANK B. BROUILLET, Superintendent of Public Instruction

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

392-171 WAC SPECIAL EDUCATION PROGRAM--EDUCATION FOR ALL HANDICAPPED CHILDREDN.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. _____ filed with the code reviser on _____. These rules shall take effect:

☐ thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

☐ at a later date, such date being _____.

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, FRANK B. BROUILLET, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is:

The OSPI has signed a compliance agreement with the United States Office of Civil Rights which provided for the adoption of emergency rules within ten days of signing to require school districts to assess handicapped children for the need for extended school year programming. Section 504 of the Rehabilitation Act of 1973 conditions federal funds upon compliance with the nondiscrimination provision of the act.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.025[1] that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b), or (c) as appropriate:

☒ (a) This rule is promulgated pursuant to RCW 28A.13.070(7) and 28A.02.100 and is intended to administratively implement that statute.

☐ (b) This rule is promulgated pursuant to RCW _____ which directs that the

_____ (agency)

has authority to implement the provisions of

_____ (name of act or RCW citation)

☐ (c) This rule is promulgated under the general rule-making authority of the

_____ (agency)

as authorized in RCW _____

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this agency, is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED June 13, 19 84

By Frank B Brouillet

Superintendent of Public Instruction
Title

STATE OF WASHINGTON
FILED

JUN 14 1984

CODE REVISER'S OFFICE
CR 84-13-091

[Form CR-7 Rev. 7/23/82]

AMENDATORY SECTION (Amending Order 80-31, filed 8/19/80)

WAC 392-171-351 GENERAL ASSESSMENT SAFEGUARDS--PERSONNEL, MATERIALS AND PROCEDURES. Every student who is assessed or reassessed shall be assessed according to the procedures established in this chapter.

(1) The assessment of a student (except one with a suspected communication disorder) shall be made by a multidisciplinary team or group of professionals including at least one teacher or other specialist with knowledge in the area of the suspected disability. Each member of the team shall be licensed, registered, credentialed, or certified according to his or her professional standards in accordance with state statutes and rules: PROVIDED, That in assessing a student suspected of having a specific learning diasbility, each school district shall include on the multidisciplinary team:

(a) The student's regular teacher; or

(b) If the stuedcnt does not have a regular teacher, a regular classroom teacher qualified to teach a student of his or her age; or

(c) For a student of less than school age, an individual trained in early childhood education designated by the school district: and

(d) At least one person qualified to conduct individual diagnostic examinations of students, such as a school psychologist, communication disorder specialist, special education teacher or remedial reading teacher.

(2) No single test instrument or single procedure shall be the sole criterion for determining the appropriate educational program for a student.

(3) Assessment materials, procedures, and instruments used for the purpose of assessment and placement shall be selected and administered so as not to be racially or culturally discriminatory. All tests and other evaluation materials shall have been validated for the specific purpose for which they are used, shall be administered by trained personnel in conformance with the instructions of their producer, and shall accurately reflect whatever factors the tests purport to measure.

(4) Assessment materials, procedures or instruments shall be provided and administered in a student's primary language or mode of communication, unless it is clearly not feasible to do so. Tests shall be selected and administered so as best to ensure that when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors the test purports to measure).

(5) In conducting assessment activities, appropriate assessment team members shall:

(a) Collect and review all available existing school, medical, and other records pertinent to the suspected handicapping condition(s) of the student, including previous assessments, health, and cumulative records; and

(b) Conduct such current assessment activities as are required by this chapter and in accordance with the procedures specified herein; and

(c) Collect such other data as needed to corroborate the validity of standardized measures, including but not limited to parent and/or teacher interviews and current classroom performance data.

(6) Assessment data shall be summarized in writing, dated, and signed by each person conducting an assessment. Information used to support the3 assessment, but which is not incorporated into the file, (e.g., review of health record), shall be referenced as to date of record, location and source person. The summaries shall specify the procedures and instruments used, the results obtained, and the apparent significance of findings as related to the student's instructional program, including a description of the specific factors which are interfering with the student's educational performance and the special education and related services needed to assist the student in benefiting from his or her educational placement, including the need, if appropriate, of scheduling such services over a period of time that exceeds the regular one hundred eighty school days: PROVIDED, That in the event the assessment is an initial assessment by the district, the recommendation regarding the appropriateness of an extended school year for a particular student need not be made until May of the school year in which the initial assessment was made.

AMENDATORY SECTION (Amending Order 80-31, filed 8/19/80)

WAC 392-171-366 SUMMARY ANALYSIS OF ASSESSMENT DATA. (1) The leader of a student's assessment team shall review and analyze the summaries of assessment data provided for in WAC 392-171-351(6) and any other available data in each of the areas assessed. The conclusions, recommendations, and the facts and/or reasons resulting in the eligibiltiy decision pursuant to WAC 392-171-376 shall:

(a) Describe the discrepancy which exists between the student's actual performance and his or her expected performance;

(b) Identify the disability condition(s), if any, that qualifies the student as a handicapped student;

(c) Set forth the nature and extent of the special education and related services that the student needs, if any;

(d) Reconcile any inconsistent or contradictory information and/or opinions evidenced in the assessment data, if any, supporting conclusion(s) with appropriate data;

(e) Relate the apparent significance, if any, of cultural, environmental, economic, and behavioral factors to the assessment results;

(f) Make recommendations to the individualized education program committee regarding placement, special education and related services needed (including the need, if appropriate, of scheduling such services over a period of time that exceeds the regular one hundred eighty school days), needs for specialized materials or equipment, instructional modalities (e.g., auditory), and student management strategies (e.g., reinforcement schedules, etc.), as determined by the multidisciplinary team to be significant to the student's program. If the multidisciplinary team at the time of the student's initial assessment by the district for professionally sound reasons is unable to make a recommendation regarding the need for an extended school year for a particular student, the multidisciplinary team shall make its recommendation regarding an extended school year prior to the May following initial assessment; and

(g) Provide any necessary professional judgment(s) and the facts or reasons in support of the judgment(s).

(2) The summary analysis shall be signed and dated by both the team leader and the school district's special education director or his or her designee.

(3) Provided that, in the case of a student suspected of having a specific learning disability, the summary analysis shall also include a statement of:

(a) The relevant behavior noted during the observation of the student;

(b) The relationship of that behavior to the student's academic functioning; and

(c) The educationally relevant medical findings, if any.

(4) Each multidisciplinary team member shall certify in writing whether the summary analysis reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusion(s).

AMENDATORY SECTION (Amending Order 80-31, filed 8/19/80)

WAC 392-171-461 INDIVIDUALIZED EDUCATION PROGRAM. (1) Each handicapped student's individualized education program shall be developed on the basis of assessment analysis and parent input, where it is provided, and shall include:

(a) A statement of the student's present levels of educational performance;

(b) A statement of specific annual goals including short-term instructional objectives which are stated in terms that provide for measurement of progress, expected levels of performance, and the schedules for their accomplishments;

(c) A statement of the specific special education and related services needed by the student, and the extent to which the student will be able to participate in the regular educational program, including physical education. If the student is unable to participate in the regular physical education program, a description of the specially designed physical education to be provided to the student shall be included.

The IEP developed for a handicapped student whose chronological age is fourteen or above shall also include career development and/or vocational education goals and short-term instructional objectives, where appropriate: PROVIDED, That if the career development and/or vocational education is specially designed instruction, goals and short-term instructional objectives shall be included;

(d) The projected dates for the initiation of services and the anticipated duration of the services indcluding the length of the school year over which such services shall be provided: PROVIDED, That in the event the individualized educational program is the first in the district for such student and the multidisciplinary team has not made a determination as to the

need for an extended school year for such child, the individualized educational program team shall make its recommendation on the length of the school year over which such services shall be provided prior to the conclusion of the regular one hundred eighty school days; and

(e) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an an annual basis, whether the short-term instructional objectives are being met.

(2) The school district shall provide the parent (or the adult student) a copy of the individualized education program.

(3) Nothing in this chapter may be construed as promising or guaranteeing that a handicapped student will in fact achieve the growth projected in his or her annual goals and short-term objectives.

MEMORANDUM OF AGREEMENT

I. INTRODUCTION

The Office for Civil Rights (OCR), United States Department of Education, having conducted an investigation of a complaint against the Seattle School District No. 1 (District), No. 10811027, having made findings of certain violations of Section 504 of the Rehabilitation Act of 1973, and having issued a Notice of Opportunity for a Hearing to both the District and the Washington State Office of the Superintendent of Public Instruction (OSPI), No. 84-504-9, the parties agree to resolve these matters as follows:

II. GENERAL PROVISIONS

A. The parties to this Agreement are the District, OSPI, and OCR.

B. This Agreement shall become effective as of the date on which all parties herein sign this document.

C. It is understood that this Agreement does not constitute an admission at this time, or in any future proceeding, by either the District or OSPI of any violations of Section 504 of the Rehabilitation Act of 1973 or of any other law.

D. This Agreement resolves only the specific matters addressed in OCR case No. 10811027, in the Letter of Findings to the District dated June 14, 1983, or in the Notice of Opportunity for a Hearing for administrative case No. 84-504-9 sent to the District and to OSPI. Any other compliance matters shall be dealt with and resolved in accordance with the procedures and standards in the regulations applicable to such matters.

E. OCR agrees to move to dismiss the enforcement proceedings initiated with respect to these matters by Notice of Opportunity for Hearing No. 84-509-9 and to issue a letter to the District and OSPI stating that the case has been settled. The District's and OSPI's obligations under this Agreement are contingent upon the dismissal of the above-referenced proceedings. In the event OCR determines, based upon an investigation where appropriate, that either the District or OSPI has deviated from or failed to adhere to any provision of this Agreement, OCR may reassess the District's and OSPI's compliance with Section 504 with respect to these matters and determine whether to institute enforcement proceedings.

F. It is agreed that no restrictions may be placed on the publication of the terms of this Agreement with the understanding, however, that contents of conciliation discussions between the parties shall be considered and treated as confidential to the extent permissible and consistent with those provisions of the Freedom of Information Act and the Washington Public Records Law applicable to the appropriate parties.

G. The District and OSPI agree not to engage in or allow any of their employees to engage in any retaliatory conduct against any person who has cooperated with OCR in the investigation of this matter.

H. This Agreement does not preclude OSPI, the District, or other districts from conforming to any change in the law applicable to these matters, whether through a statute passed by Congress, through regulations promulgated by the Department of Education, or by decision of a Federal Court having jurisdiction over the District or the State of Washington. OSPI and the District agree to give OCR 30 days advance notice of any intended deviation from the provisions of this Agreement based upon a change in law.

III. SPECIFIC PROVISIONS

A. No complaint pertaining to the matters covered by this Agreement has been filed against OSPI. Nevertheless, OSPI, in recognition of its Federal law monitoring and enforcement responsibilities, and in recognition that OCR has informed the other parties to this Agreement that Federal law does not allow public school districts to limit consideration of educational programming to the regular school year, and in recognition that failure of a public school district to comply with Federal law could result in termination of Federal financial assistance, agrees to revise chapter 392-172 of the Washington Administrative Code, including WAC 392-172-025, so as to clearly state that school district staff shall consider the possible need for individual handicapped students to be provided educational programming for a number of days or hours different from what is generally provided in the regular education program.

B. OSPI will make the changes to the Washington Administrative Code referred to in paragraph A, above, within one week of the dismissal of administrative case No. 10-3047 and will distribute a notice of such changes to all public school districts in the state as soon as possible thereafter. The notice to districts will make clear that all school districts must take immediate action to implement the clarifications made in the Washington Administrative Code by revising district policies and procedures to the extent necessary to comply with these clarifications, must otherwise initiate reasonable efforts to implement needed policy changes as soon as reasonably possible, and will fully comply with the clarified provisions by August 31, 1990, as outlined in paragraph III, C.

C. Each Washington State school district will be required by OSPI pursuant to OSPI's performance of its Federal law monitoring and enforcement responsibilities to: (1) immediately review and revise, as needed, district policies to the extent necessary for such policies to coincide with OSPI's clarifications in the Washington Administrative Code; (2) immediately commence planning, and the evaluation and revision of existing procedures, to the extent necessary to implement the clarifications in the Washington

Administrative Code as soon as reasonably possible; and (3) provide OSPI written assurance as a condition to 1986-87 school year financial assistance that district assessment and IEP teams will fully comply with the clarifications in the Washington Administrative Code in connection with all individual education plans (IEP's) developed for new handicapped students enrolled after August 31, 1986 and all reviews of existing IEP's conducted subsequent to August 31, 1986.

D. This Agreement does not address the particular factors which should or may be employed in making judgments about which handicapped students may be in need of extended school year programming or the extent and nature of any programming needed. OSPI and each Washington State School District, including the Seattle School District, are free to establish appropriate guidelines for determining, on a student-by-student basis, whether a given handicapped student is in need of educational programming extending beyond the regular school year and the nature and extent of any such programming determined to be necessary.

E. The District agrees to develop guidelines and procedures which will ensure that the development of an appropriate educational program is based on individual educational needs of each handicapped student and that the development of such a program is not necessarily limited to the provision of services and programs during the regular school year.

F. The District agrees to provide written notice to all professional staff involved in the District's regular individual educational plan (IEP) development and review process that the provision of an appropriate education is not necessarily limited to that which is provided during the regular school year. This notice will be provided before the end of the 1985-86 school year, at the beginning of the 1986-87 school year, and annually thereafter. District staff will also be provided with copies of the guidelines and procedures developed pursuant to paragraph E, above, and informed that staff involved in developing IEP's may consider the need for extended school year services, as part of their consideration of all services the student may need to receive in appropriate education, sufficiently in advance of the District's regular November IEP review for such guidelines and procedures to be effectively followed.

G. The District agrees to provide notice to parents of all handicapped students in the District of its change in policy with respect to the provision of extended school year services effective beginning August 31, 1986. Such notice will be provided before the end of the 1985-86 school year and again at the beginning of the 1986-87 school year.

H. The District further agrees that for those students whom District staff determine to need extended school year services, the District will provide without cost to parents (except for those costs allowed pursuant to 34 C.F.R. §§300.330) whatever programs and services are determined to be necessary to provide each handicapped student with an educational program designed to meet his or her individual educational needs.

I. With respect to the summer of 1994, the District plans to operate the two types of educational programs it has in the past: a tuition based academic program and a tuition-free special education summer school program for certain severely handicapped students whose parents elect to enroll them in such a program. The District agrees to provide parents with notice of the availability of both such programs in a similar manner to the way it has provided such notice in the past. The District further agrees that for any handicapped student who voluntarily enrolls in either of the District's 1994 summer programs the District will provide a copy of the student's current IEP to the student's teacher to assist the teacher in meeting the individual needs of the student. For any student enrolled in the District's summer special education program, the District will ensure that the program provided to such student will be based on the student's individual needs.

III. MONITORING PROVISIONS

A. OSPI agrees to provide OCR with a copy of the provisions of the Washington Administrative Code modified pursuant to this Agreement and a copy of the notice used to distribute the modified Code. These documents will be provided within one week of the notice being distributed.

B. OSPI agrees that for a period of two years following the effective date of this Agreement that it will provide OCR with copies of any technical assistance materials which OSPI may develop related to the consideration of the need for, or the actual provision of, extended school year services by school districts in the State of Washington.

C. The District agrees to provide OCR with a copy of whatever guidelines and procedures are developed pursuant to paragraph III E, above, and a description of how such guidelines were distributed to its staff within one week of such distribution.

D. The District agrees by June 30, 1994, to provide OCR with copies of any notices distributed to staff or parents between the effective date of this Agreement and the end of the 1993-94 school year which refer to the District's 1994 summer school program or to extended school year matters.

E. The District agrees to provide OCR with a report regarding the implementation of the provisions of this agreement set forth in paragraph III, I. The report will be provided by August 31, 1984, and will indicate the number of handicapped students enrolled in each of the District's summer programs, the method employed by the District in ensuring that copies of IEP's were distributed to the appropriate teachers, and a description or copy of any instructions provided to teachers respecting the use of the IEP's provided.

F. The District agrees by March 1, 1985, to provide OCR with a report regarding implementation of this Agreement in the fall of the 1984-85 school year. The report will include copies of any notices to staff or parents which refer to extended school year matters and a description of how the District's guidelines developed pursuant to this Agreement were implemented, and will indicate the number of students identified by District staff as needing extended school year services and of the number of students for whom provision of extended school year services was included in IEP's.

G. Thereafter, the District agrees to provide semi-annual reports in August of 1985 and in March and August of 1986 with respect to the District's continued implementation of the terms of this Agreement.

Signed:

Robert L. Nelson
Robert L. Nelson
Superintendent
Seattle School District No. 1

5/24/84
Date

Dr. Frank B. Brouillet
Dr. Frank B. Brouillet
Superintendent
Office of the Superintendent of Public Instruction
State of Washington

5-24-84
Date

John D. Johnson
John D. Johnson
Regional Director
Office for Civil Rights
U.S. Department of Education
Region X

5-24-84
Date

APPENDIX B

HIGHLINE PROCESS INFORMATION

SPECIFIC CONCERNS FOR IMPLEMENTING THE EXTENDED SCHOOL YEAR IN THE HIGHLINE SCHOOL DISTRICT

CONCERNS	SOLUTIONS
1. Implementation (a) timelines (IEP's, vacations, inservice, form development, lack of instruction) (b) Cost/benefit (burn-out vs. student gains)	1. (a) Staff paid for extra time for inservice (b) Forms individualized with guidelines from consultant and instruments used (c) Process (1) General Meeting to inform staff of rationale and process (2) Small groups for assessment for H.C. conditions (d) Substitutes for continuation of instructional plan during testing or hire itinerant staff to do testing
2. District Commitment for 1985 (a) Building (b) Dollars (c) Staff (d) Program Model (e) Management (f) Time	2. Section 504/PL 94-142 requires so the district is committed. A policy must be accepted by the Board.
3. Redefining Regression for SLO's and Specific Objectives - Concerns on Form (professional judgment) Is concensus needed on target areas to be assessed and later offered?	3. Mild (1-10) (a) Reading - SLO's assess (b) Math - SLO's assess (c) Spelling - to be developed (d) Behavior - 3 target areas (1) T. on Task (2) Appropriate response to correct/ direction (3) Negative inactions during unstructured time (e) Other levels - to be determined

CONCERNS	SOLUTIONS
4. (a) Transfer/Move-in Process	4. Move-in specialist will assist MDT/IED teams in making decisions

Additional concerns:

District concensus on IEP objectives

Related Services Process

(a) Movement into regular education
(b) Therapies
(c) Evaluation
(d) Multidisciplinary team guidelines

Consider additional harmful variables

Teacher accountability for recoupment

7

APPENDIX C

ESY Data Collection Forms

Form A: Learning Disabled
Behavior Disordered
Mentally Retarded

Form B: Visually Handicapped

Form C: Communication Disorders

Form D: Hearing Impaired

Form E: Preschool

Form F: Program for Developmentally Disabled

Form G: Health Impaired

FORM A: Learning Disabled (LD)
Behavior Disordered (BD)
Mentally Retarded (MR)

1. Form A is designed for measuring learning disabled (LD), behavior disordered (BD) and mentally retarded (MR) pupil performance before and after summer break.

2. Three major areas of behavior can be recorded on the form.

   A. Test data from the Wide Range Achievement Test (WRAT) is recorded on the upper section of the form. The pupil's spring raw score is entered in the first column for both reading and math. The fall 1984 score is entered in the second column. The difference between spring and fall scores is computed. If the difference is less than three, no change is indicated. If the change is three or greater in the negative direction, then recoupment data is collected and recorded in November. If the score is within three points of the spring score, then recoupment occurred. If not, then a significant recoupment problem is indicated.

   B. The lower section of Form A is used for data related to the district's student learning objectives (SLO's). The pupil's performance on each objective is recorded, along with a precise statement of the objective and the conditions under which the objective is measured. If the difference is within 20%, no change is indicated. If the difference is greater than 20%, a minus is recorded and recoupment data is collected and recorded in November. If the difference is less than 20% of the spring score, recoupment occurred and no problem is noted. If in November the difference is greater than 20%, a significant regression/recoupment problem is indicated.

   C. A behavior checklist is included on the back of Form A. The type of measure that is utilized is letter coded at the top of the page. If a percent of time was used for a ten-minute period, then B would be circled and a number would be written in the spring box. If it was 60% of time of appropriate interaction, then 60 would be written in the spring column. The fall score would be entered in a similar manner.

      Students who are capable of taking tests can be monitored with such a form. The values for significant difference for the standardized test (WRAT) are based on 1.96 times the standard error of measurement for that test.

DATA COLLECTION PROCEDURE REMINDERS FOR REGRESSION/RECOUPMENT

Highline School District
Special Education Dept.

1. There must be current (Spring) performance data for all students.

2. Put data on the end-of-year report form or the regression/recoupment summary form.

3. Test data should include the following supportive information:

   a. name of test;
   b. level or form of test;
   c. date administered; and
   d. raw score

   Use same form and level of the test in Spring 1984 and Fall 1984 regardless of student's age.

4. Individual objective data should include the following:

   a. description of the measure (percent correct, total minutes, etc.);
   b. example of data collection procedure (copy of data form, blank test and/or data sheet);
   c. date administered; and
   d. a minimum of four data points, two per week (except for test data where one or two scores only are necessary).

5. Individual objective data on SLO's or IEP objectives must be collected.

6. Save protocols, test, and/or data forms to substantiate information written on end-of-year or regression/recoupment forms.

Thank you for your patience and understanding in our efforts to appropriately assess students' regression/recoupment probability after extended instructional breaks!

5/16/84

LD/BD/MMR

Check this box if student requires November testing.

REGRESSION/RECOUPMENT
DATA SUMMARY SHEET

Schools: _____ Pupil's Name: _____

Teacher's Name: _____ Grade: _____

Birthdate: _____

Handicapping Condition: _____

Catemories:	Spring Date:	Fall Date:	Difference (Spring-Fall)	If difference = 0, 1, 2, enter 0 (same). DIFFERENCE OF 3 OR MORE = MAJOR CHANGE If fall less than Spring, enter - (less) (NOTE: ONLY STUDENTS WITH LOSS SCORES MUST BE RETESTED IN NOVEMBER.) If fall more than Spring, enter + (gain).	November testing for loss (-) scores only Date: Y = yes; N = no
WRAT reading raw score Level:					
WRAT math raw score Level:					

SLO or Individual Curriculum Objectives

		SPRING 1984 Current performance level (For district placement test, indicate level & % correct.) Date:	FALL 1984 Current performance level (For district placement test, indicate level & % correct.) Date:	DIFFERENCE OF ≥ 20% = MAJOR CHANGE. If change ≤ 20%, enter 0 (same). If change ≥ 20%, enter + for gain or - for loss.	November testing for loss (-) scores only Date: Y = yes; N = no
NOTE: If you are using district SLO's, write only the number of the SLO.					
Reading 1	Objective: Measures/Criteria:				
Math 1	Objective: Measures/Criteria:				
Math 1	Objective: Measures/Criteria:				
Math 2	Objective: Measures/Criteria:				

BEST COPY AVAILABLE

BEHAVIOR OBJECTIVES

DIRECTIONS:
Choose two or more behavior objectives.
Choose criteria from list below.

A) Yes/No
B) percent of time during 10 minute interval (use stopwatch)
C) Percent of time during class period
D) percent of behavior occurrence (number of occurrences ÷ total number of opportunities)
E) if other criteria, describe

OBJECTIVES	Spring 1984 (Average 1-2 weeks) Date:	Fall 1984 (Average 1-2 weeks) Date:	Describe criteria for change	Spring-Fall comparison + = Gain 0 = Same - = Loss	Recoupment date: Y = yes; N = no
1. The student will interact appropriately with peers. (B, C, or D) Describe:					
2. The student will begin assigned tasks within the required period of time. (e.g. A or D) Describe:					
3. The student will complete assigned tasks within the required period of time. (A or D) Describe:					
4. The student will attend to assigned tasks independent of teacher monitoring. (B or C) Describe:					
5. The student will follow written and oral directions (B, C, or D) Describe:					
6. The student will refrain from using inappropriate physical contact. (C or D) Describe:					
7. The student will use appropriate language and gestures with others. (e.g. B, C, or D) Describe:					
8. The student will be able to demonstrate acceptable alternatives to negative actions. (e.g. A or D) Describe:					
9. The student will be at assigned school sites (classes) at required times. (e.g. A or D) Describe:					
10. The student will bring required items to class. (e.g. A or D) Describe:					
11. The student will take home and bring back completed homework assignments within the given time (e.g. A or D) Describe:					
12. The student will exhibit appropriate behavior outside the classroom (i.e. bus, playground and hallway). (e.g. C or D) Describe:					
13. The student will decrease frequency of inappropriate talk-outs. (e.g. B, C, or D). Describe:					
14. The student will comply to teacher requests without negative verbal or nonverbal response. (e.g. C or D) Describe:					
15. Other					
16. Other					

5/15/84

FORM B: Visually Handicapped

The form for visually handicapped (VH) students is identical to Form A in terms of standardized test measures. The specific learning objectives are the same also for VH pupils. However, significant regression is noted on a VH trace when measured in the hall.

FORM C: Communication Disorders

The communication disorders (CD) program utilizes test data related to: expressive language, receptive language, articulation, fluency, and voice. The significance levels change in accordance with specific tests. Instructions related to the use of the form are indicated on the procedures section of Form C. There are two other classes of behavior recorded on Form C related to student learning objectives (SLO) and individual objectives. The criteria for change on SLO objectives is a 90% drop in the fall from mastery in the spring. The same criteria are utilized for IEP objectives.

DATA COLLECTION PROCEDURE REMINDERS FOR REGRESSION/RECOUPMENT

Highline School District
Special Education Dept.

Instructions to Staff

1. There must be current (Spring) performance data for all students.

2. Put data on end-of-year report form or preferably on regression/recoupment summary form.

3. Test data should include
   a) name of test
   b) date administered
   c) raw score/severity level

4. Individual objective data should include the following:
   a. description of the measure (percent correct, total minutes, etc.);
   b. example of data collection procedure (copy of data form, state test and/or data sheet);
   c. date administered; and
   d. only use objectives on which the student has demonstrated a reasonable performance like (i.e. at least 80%)

5. When a standardized test appropriately measures an IEP objective, the objective need not be reported on the regression/recoupment form.

6. Save protocols, test, and/or data forms to substantiate information written on end-of-year or regression/recoupment forms.

7. Test in November only those students who show a major loss.

8. Recoupment is achieved if November testing shows no major loss from Spring testing.

9. In the Spring of 1984, turn in all forms at Sunnydale annex. Data will be transferred over the summer and returned to you in the Fall.

Thank you for your patience and understanding in our efforts to appropriately assess students' regression/recoupment probability after extended instructional breaks.

5/14/84

[redacted]

FORM D: Hearing Impaired

Data collection Form D has both academic and language test data. The academic data are from the Stanford Achievement Test which has a larger standard error of measurement than the Wide Range Achievement Test (WRAT). A difference of six points is considered significant between spring and fall testing, significant scores are obtained by multiplying the standard error of measurement by 1.96.

Spring data are entered according to the conditions outlined on the cover sheet. Those districts wishing to adopt the Highline hearing impaired data summary form should collect both language and academic data in order to reflect priority educational objectives for hearing impaired pupils.

DATA COLLECTION PROCEDURE REMINDERS FOR REGRESSION/RECOUPMENT

Highline School District
Special Education Dept.

1. There must be current (Spring) performance data for all students.

2. Put data on the end-of-year report form or the regression/recoupment summary form.

3. Test data should include the following supportive information:
   a. name of test;
   b. level or form of test;
   c. date administered; and
   d. raw score.

4. Individual objective data should include the following:
   a. description of the measure (percent correct, total minutes, etc.);
   b. example of data collection procedure (copy of data form, blank test and/or data sheet);
   c. date administered; and
   d. a minimum of four data points, two per week (except for test data where one or two scores only are necessary).

5. Individual objective data on SLO's or IEP objectives must be collected whenever the WRAT does not appropriately measure an IEP priority objective.

6. Save protocols, test, and/or data forms to substantiate information written on end-of-year or regression/recoupment forms.

Spring

7. If appropriate, enter information from SAT

Reading	- Date - Raw Score - Test Level - Form
Math	- Date - Raw Score - Test Level - Form
Language test	- Date - Raw Score - Test Name

8. If the above information fulfills a major IEP objective or SLO, omit that objective on lower half of data summary sheet.

9. Enter objectives not covered by test information.
   Include a description of the measure
   (% correct, total minutes, etc.),
   and an example of the data collection
   procedure (copy of data form, reference to grade book, etc.)

10. Enter data for objectives for Spring testing/review.

Fall

11. Enter information for fall testing in same manner as Spring.

12. Indicate • or — if scores differ 6 or more for SAT testing.

13. Determine criteria for major change for language tests. Indicate • or — for difference in test scores.

14. Enter fall data for objectives.

    Enter criteria change.
    Enter •, Q, or —

15. Recoupment testing in November
    Y • Yes, student recouped loss using criteria
        for major change.

Thank you for your patience and understanding in our efforts to appropriately assess students' regression/recoupment probability after extended instructional breaks.

5/16/84

REGRESSION/RECOUPMENT
DATA SUMMARY SHEET

HI

Check this box if student requires November testing:

School(s): _____ Pupil's Name: _____

Teacher's Name: _____ Grade: _____

Level of Hearing Loss: ___Mild ___Moderate ___Severe/Profound Birthdate: _____

Categories	Spring Date:	Fall Date:	Difference Spring - Fall Score	If difference = 0-5, enter 0 (same) DIFFERENCE OF 6 OR MORE = MAJOR CHANGE If fall less than Spring, enter - (loss) If fall more than Spring, enter + (gain)	Recoupment Data: Y = yes N = no
Stanford Reading Raw Score Test Level: Form:					
Stanford Mathematics Raw Score Test Level: Form:					
				Criteria for major change:	
Language Test Raw Score Test Name:					
Language Test Raw Score Test Name:					

ELD IN INDIVIDUAL CURRICULUM OBJECTIVES

ELD/IEP OBJECTIVES	Spring 1984 Average 1-2 weeks Data:	Fall 1984 Average 1-2 weeks Data:	Describe Criteria for Major Change	Spring - Fall Comparison + = Better 0 = Same - = Worse	Recoupment Data: Y = yes N = no
Objective: Conditions/Criteria:					
Objective: Conditions/Criteria:					

SLO OR INDIVIDUAL CURRICULUM OBJECTIVES

SLO/IEP OBJECTIVES	Spring 1984 Average 1-2 weeks Date:	Fall 1984 Average 1-2 weeks Date:	Describe Criteria for Major Change	Spring - Fall Comparison + = Better 0 = Same - = Worse	Recruitment Data: Y = yes N = no
Objective: Conditions/Criteria:					
Objective: Conditions/Criteria:					
Objective: Conditions/Criteria:					

5/15/84

FORM E: Preschool

The top of the preschool data collection form is used for formal and informal test data. Since the first three measures (Preschool Profile, KDA, and Brigance) do not have standarized data, there is no standard error of measurement for these tests. A 25% drop or gain in performance between the spring and fall testings indicates a significant change. The MAT does have a standard error of measurement.

The optional IEP objectives at the bottom of the form are for data related to sensory, motor, cognitive, language, social, and self-help. A sample of five data points over a two-week period in the spring is compared with five data points obtained over a two-week period in the fall and, thus, loss or gain is determined.

REGRESSION/RECOUPMENT
DATA SUMMARY SHEET

PS

Check this box if student requires November testing:

School(s): _____

Teacher's Name: _____

Handicapping Condition: _____

Pupil's Name: _____

Grade: _____

Birthdate: _____

TEST (enter raw scores)	Spring Date:	Fall Date:	Difference Spring - Fall	Major Change (Note: major change criteria are listed for each test) If there is no major change, enter 0 If there is major change, enter + for gain (>) or - for loss (<)	Recoupment Date: Y = yes N = no
Preschool Profile					
fine motor				Major Change = ≥25% or more	
preacademic					
understanding language					
oral language					
KDA					
gross motor				Major Change = ≥25% or more	
fine motor					
communication					
Brigance					
general knowledge				Major Change = ≥25% or more	
readiness					
basic reading					
math					
MAI					
auditory				Major Change = +/- 5 or more	
visual				Major Change = +/- 5 or more	
language				Major Change = +/- 4 or more	
quantitative				Major Change = +/- 5 or more	

OPTIONAL OBJECTIVES

IEP OBJECTIVES	Spring 1984 % correct 2 weeks (5 day minimum) Date:	Fall 1984 % correct 2 weeks (5 day minimum) Date:	Difference Spring - Fall	Major Change = 25%	Recoupment Date: Y = yes N = no
Objective:					
Measure/Criteria					

OPTIONAL OBJECTIVES

IEP OBJECTIVES	Spring 1984 % correct 2 weeks (5 day minimum) Date:	Fall 1984 % correct 2 weeks (5 day minimum) Date:	Difference Spring - Fall	Major Change = 25%	Recoupment Date: Y = yes N = no
Objective: Measure/Criteria					

IEP OBJECTIVES	Spring 1984 % correct 2 weeks (5 day minimum) Date:	Fall 1984 % correct 2 weeks (5 day minimum) Date:	Difference Spring - Fall	Major Change = 25%	Recoupment Date: Y = yes N = no
Objective: Measure/Criteria					

FORM F: Program for Developmentally Disabled

The form designed for the program for developmentally disabled (PDD) pupils contains both standardized and individualized data collection procedures. A very diverse population is served in the PDD area so that much of the data collected is behavioral in nature. Pupils served in this program range in age from five to twenty-one years and range from mildly to profoundly handicapped.

The top of Form F is similar to the other forms that require WRAT data. However, the bottom is unique in that the actual data from which a mode or median is obtained also are recorded on the form. This allows for conducting trend analyses if the measures of central tendency are not appropriate. Having the actual data points along with the mode or median provides a good data base from which to make sensitive comparisons of performance shifts.

DATA COLLECTION PROCEDURE REMINDERS FOR REGRESSION/RECOUPMENT

Highline School District
Special Education Dept.

1. There must be current (Spring) performance data for all students.

2. Put data on the end-of-year report form or the regression/recoupment summary form.

3. Test data should include the following supportive information:
   a. name of test;
   b. level or form of test;
   c. date administered; and
   d. raw score.

4. Individual objective data should include the following:
   a. description of the measure (percent correct, total minutes, etc.)
   b. example of data collection procedure (copy of data form, blank test and/or data sheet);
   c. date administered; and
   d. a minimum of four data points, two per week (except for test data where one or two scores only are necessary).

5. These are some other important directions and considerations to take into account in filling out your Data Summary Sheet for the PDD.

   In the IEP objective portion of your form provide a full description of your objective including (1) conditions (i.e.) level of assistance, (2) criterion standards (i.e.) % correct, 3/5 trials time amount, (3) significance, a 20 - 25% shift in comparison between your Spring and fall data (i.e.) 70% - 50%, 7/10 - 5/10 trials. You have the option of taking your data two times a week for three weeks or three times a week for two weeks. You also have the option of selecting median or mode in your comparison of Spring and fall summaries.

6. Individual objective data on SLO's or IEP objectives must be collected whenever the WRAT does not appropriately measure an IEP priority objective.

7. Save protocols, test, and/or data forms to substantiate information written on end-of-year or regression/recoupment forms.

Thank you for your patience and understanding in our efforts to appropriately assess students' regression/recoupment probability after extended instructional breaks!

5/16/84

REGRESSION/RECOUPMENT DATA SUMMARY SHEET

PDD

Check this box if student requires November testing:

School(s): _____

Teacher's Name: _____

Handicapping Condition: _____

Pupil's Name: _____

Grade: _____

Birthdate: _____

Categories	Spring Date:	Fall Date:	Difference Spring - Fall	If difference = 0-3, enter 0 (name) DIFFERENCE OF 3 OR MORE = MAJOR CHANGE If Fall less than Spring, enter - (loss) If Fall more than Spring, enter + (gain)	Recoupment Date: Y = yes N = no
WRAT Reading raw score Level:					
WRAT Mathematics raw score Level:					

PDD CURRICULUM OR IEP OBJECTIVES

RESPONSE:

Objectives:	Spring Dates:						Spring Summary	Fall Dates:						Fall Summary	+/-	Spring-Fall Recoupment Dates:						Nov. Summ.	Y/N
Dates:		Week 1			Week 2				Week 1			Week 2						Week 1			Week 2			
Objective/ condition(s):							Median/ Mode							Median/ Mode										
							Range (high to low)							Range (high to low)										
Method of measures (trials/ % correct)																								
significances:																								

Objectives:

Spring Dates:

Fall Dates:

Spring-Fall Recoupment Dates:

RESPONSE:

Dates:	Week 1	Week 2	Spring Summary	Median/ Mode	Range (high to low)	Week 1	Week 2	Fall Summary	Median/ Mode	Range (high to low)	+/-	Week 1	Week 2	Rev. Summ.	Y/N
Objective/ condition(s):															
Method of measures (trials/ % correct)															
significances:															
Dates:	Week 1	Week 2	Spring Summary	Median/ Mode	Range (high to low)	Week 1	Week 2	Fall Summary	Median/ Mode	Range (high to low)	+/-	Week 1	Week 2	Rev. Summ.	Y/N
Objective/ condition(s):															
Method of measures (trials/ % correct)															
significances:															

Objectives:

Spring Dates:

Fall Dates:

Spring-Fall Recoupment Dates:

Recommendations:

Dates:

Objective/ condition(s):

Week 1 | Week 2

Spring Summary

Median/ Mode

Range (high to low)

Fall Summary

Median/ Mode

Range (high to low)

+/-

Week 1 | Week 2

Rec. Summ.

Range (high to low)

Y/N

Method of measures (trials/ % correct)

significances:

Dates:

Objective/ condition(s):

Week 1 | Week 2

Spring Summary

Median/ Mode

Range (high to low)

Fall Summary

Median/ Mode

Range (high to low)

+/-

Week 1 | Week 2

Rec. Summ.

Range (high to low)

Y/N

Method of measures (trials/ % correct)

significances:

SAMPLE SHEET

REGRESSION/RECOUPMENT
DATA SUMMARY SHEET

FOR

Check this box if student requires November testing:

School(s):

Teacher's Name:

Handicapping Condition:

Pupil's Name:

Grade:

Birthdate:

Categories	Spring Dates	Fall Dates	Difference Spring - Fall	If difference = 0 1, enter 0 (same) DIFFERENCE OF 3 OR MORE = MAJOR CHANGE If fall less than Spring, enter - (less) If fall more than Spring, enter + (gain)	Recoupment Dates: Y = yes N = no
WRAT Reading raw score Level:	17	16	0		N
WRAT Mathematics raw score Level:	15	11	+		N

FOR CONSIDERATION ON IEP OBJECTIVES

Objectives:

Spring Dates:

Fall Dates:

Spring-Fall Recoupment Dates:

Dates:	Week 1		Week 2		Week 3		Spring Summary	Week 1		Week 2		Week 3		Fall Summary	1/	Week 1		Week 2		Week 3		Rec. Summ.	1/0
Objective/ condition(s):	50%	50%	75%	75%	100%	100%	Median/ Mode	0	0	25%	50%	50%	75%	Median/ Mode		50%	25%	75%	75%	100%	100%		
							75%							50%								75%	
							Range (high to low)							Range (high to low)								Range (high to low)	
Method of measures (totals/ % correct)	100% accuracy						50 - 100%							0 - 75%								50 - 100%	
significances:	25% less																					1(	

when given the four coins - penny, nickel, dime and quarter. The student will independently sequence in order.

10

FORM G: Health Impaired

Form G is for pupils with health related concerns that can adversely affect educational performance. The unique nature of students' conditions requires the use of a form that is very flexible. The cover sheet for Form G details how to code health factors that can affect the pupil's performance.

Given that academic and behavioral measures can vary as a result of health and/or instruction, both health and academic/behavioral measures are recorded. Pupils can have a significant performance change over a summer break as a result of a change in health status or they could lose skills independent of their health conditions. Thus, the scoring of both academic and health related variables allows for a more accurate determination of the conditions affecting performance change.

DATA COLLECTION PROCEDURE REMINDERS FOR REGRESSION/RECOUPMENT

Highline School District
Special Education Dept.

1. There must be current (Spring) performance data for all students.

2. Put data on the end-of-year report form or the regression/recoupment summary form.

3. Test data should include the following supportive information:

   a. name of test;
   b. level or form of test;
   c. date administered; and
   d. raw score.

4. Individual objective data should include the following:

   a. description of the measure (percent correct, total minutes, etc.);
   b. example of data collection procedure (copy of data form, blank test and/or data sheet
   c. date administered; and
   d. a minimum of four data points, two per week (except for test data where one or two scores only are necessary).

5. Save protocols, test, and/or data forms to substantiate information written on end-of-year or regression/recoupment forms.

6. Health Criteria

	Categories	Code	# of Seizures
a.	S (Seizures)	A	0
	State number of seizures	B	1-2
	according to code.	C	3-5
		D	>5

Example: JoAnne had 3 seizures on 4/1. For that day, the "S" box would look like this:

		Code
b.	Medication	D.C. (dosage change)
		M.C. (medication change)

Example: JoAnne had a medication change on 4/3. For that day, the "M" box would look like this:

Teacher would check the "dosage" or "medication" narrative for specifics.

5/15/84

		Categories	Code	+ = better - = worse 0 = no change
c.	Health	Alertness	A	+ - 0
		Respiratory Status	R	+ - 0
		Gastro-Intestinal Integrity (examples: urinary track infection, severe constipation)	G	+ - 0
		Skin Integrity (examples: skin breakdown, allergies)	S	+ - 0
		Physical Status (examples: muscle tone, scoliosis, hip displacement)	P	+ - 0
		Illness	I	+ - 0

Example: On 4/5 John has been drowsy all day due to no known reason. The data for that day would look like this:

H: A-

		Code
d.	Other	✓ (yes)

Check narrative under "other" for specific information.

Example: John has fallen from a chair and received a bump on the head. The data for that day will look like this:

O: ✓

REGRESSION/RECOUPMENT
DATA SUMMARY SHEET

SI/UNI/MH

Check this box if student requires November testing: ☐

School(s): _____

Teacher's Name: _____

Handicapping Condition: _____

Pupil's Name: _____

Grade: _____

Birthdate: _____

Objectives: Spring Dates: Fall Dates: Spring-Fall Recoupment Dates:

Dates:	Week 1			Week 2			Spring Summary	Week 1			Week 2			Fall Summary	+/-	Week 1			Week 2			Rec. Summ.	Y/N
Objective/ condition(s):							Median/ Mode							Median/ Mode								
							Range (high to low)							Range (high to low)								
Method of measure (trials/ % correct)																						
significances: B:								B:								B:						
B:								B:								B:						
M:								M:								M:						
O:								O:								O:						

Dates:	Week 1			Week 2			Spring Summary	Week 1			Week 2			Fall Summary	+/-	Week 1			Week 2			Rec. Summ.	Y/N
Objective/ condition(s):							Median/ Mode							Median/ Mode								
							Range (high to low)							Range (high to low)								
Method of measure (trials/ % correct)																						
significances: B:								B:								B:						
B:								B:								B:						
M:								M:								M:						
O:								O:								O:						

* S=Seizures; H=Health; M=Medication (Specify Spring medications and dosage of each): _____

O=Other _____

Objectives: Spring Dates: Fall Dates: Spring-Fall Recoupment Dates: Recoupment:

Dates: / Objective/ condition(s):	Week 1			Week 2			Spring Summary	Median/ Mode	Range (high to low)	Week 1			Week 2			Fall Summary	Median/ Mode	Range (high to low)	+/-	Week 1			Week 2			Rec. Summ.	Median/ Mode	Range (high to low)	Y/N
Method of measures (trials/ % correct)																											
significances: S:																											
significances: H:																											
significances: M:																											
significances: O:																											
Dates: / Objective/ condition(s):	Week 1			Week 2			Spring Summary	Median/ Mode	Range (high to low)	Week 1			Week 2			Fall Summary	Median/ Mode	Range (high to low)	+/-	Week 1			Week 2			Rec. Summ.	Median/ Mode	Range (high to low)	Y/N
Method of measures (trials/ % correct)																											
significances: S:																											
significances: H:																											
significances: M:																											
significances: O:																											

* S-Seizures; H-Health; M-Medication (Specify Spring medications and dosage of each): _____ _____ _____

O-Other _____ _____ _____ _____

MOTOR TEST DATA (optional)

Spring Date: ____ Fall Date: ____ Significant Change: ____ Recoupment Date: ____ Recoupment Y/N

Test:	Score:	Score:			

5/15/84

Example

REGRESSION/RECOUPMENT
DATA SUMMARY SHEET

01/OHI/MH

Check this box if student requires November testing:

School(s): Riverton Heights

Teacher's Name: Joanne Doe

Handicapping Condition: POD

Pupil's Name: child

Grade: non-graded

Birthdate: 3-24-65

Recoupment:

Objectives:

Spring Dates:

Dates:	4/1	Week 1 4/3	4/5	4/7	Week 2 4/9	4/12	Spring Summary
Objective/ condition(s):	60%	80%	100%	80%	100%	60%	Median/ Mode: 80%
							Range (high to low): 60%-100%

child will hold head in midline for 5 sec. when placed in sitting by teacher / feet on floor, chest-strap

Method of measures (trials/ % correct)

Significances:							
S:	C						
B:			A-				
M:		MC					
O:							

20%

Fall Dates:

Dates:	9/1	Week 1 9/3	9/5	9/7	Week 2 9/9	9/12	Fall Summary	+/-
Objective/ condition(s):	60%	80%	40%	40%	40%	60%	Median/ Mode: 50%	
							Range (high to low): 40%-80%	

Significances:								
S:								
B:								
M:								
O:								

Spring-Fall Recoupment Dates:

Dates:	Week 1			Week 2			Nov. Summ.	Y/N
Objective/ condition(s):							Median/ Mode:	
							Range (high to low):	

Significances:							
S:							
B:							
M:							
O:							

Dates: Week 1 / Week 2 / Spring Summary / Fall Summary / +/- / Nov. Summ. / Y/N

Objective/ condition(s): Median/ Mode: / Range (high to low):

Method of measures (trials/ % correct)

Significances: S: B: M: O:

* S-Seizures; H-Health; M-Medication (Specify Spring medications and dosage of each): Dilatin - 200 mg/day. Phenobarb - 15 mg. bid

O-Other